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LEGISLATIVE HISTORY

Public Law 87-869
H. R. 12434

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INDEX AND SUMMARY OF H. R. 12434

Apr.	24, 1962	Senate received proposed bill from this Department to provide authority to facilitate the work of the Forest Service.
May	1, 1962	House received proposed bill.
May	2, 1962	Sen. Ellender introduced S. 3235 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
July	9, 1962	Rep. Grant introduced H. R. 12434 which was referred to the House Agriculture Committee. Print of bill as introduced.
Aug.	1, 1962	Senate committee voted to report S. 3235.
Aug.	2, 1962	Senate committee reported S. 3235 without amendment. S. Report No. 1803. Print of bill and report.
Aug.	8, 1962	Senate passed over S. 3235.
Aug.	30, 1962	House subcommittee voted to report H. R. 12434.
Sept.	12, 1962	House committee voted to report (but did not actually report) H. R. 12434.
Sept.	15, 1962	House committee reported H. R. 12434 with amendments. H. Report No. 2377. Print of bill and report.
Sept.	17, 1962	House passed H. R. 12434 as reported.
Sept.	18, 1962	H. R. 12434 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
Oct.	5, 1962	Senate passed H. R. 12434 without amendment.
Oct.	23, 1962	Approved: Public Law 87-869.

FACILITATING AUTHORITY FOR FOREST SERVICE WORK. Authorizes the Secretary to exchange lands under the jurisdiction of the Forest Service for which no exchange authority existed. Removes the 20-year limitation on the authority of the Secretary to re-vest in rightful owners by quitclaim deed title to lands under his administration acquired by mistake, etc. Authorizes the Secretary to provide (not to exceed \$35,000 annually) recreation facilities, equipment and services for certain employees of the Forest Service at isolated locations. Repeals the Forest Homestead Act which authorized and directed the Secretary to classify National Forest lands chiefly valuable for agriculture for homestead entry. Repeals provisions of law which directed the Secretary "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in National Forests." Reduces the penalty for certain violations of regulations of the Secretary relating to the National Forests and National Grasslands to petty offenses. Increases from \$500 to a maximum of \$2500 the authorization to reimburse owners of private property for damage or destruction to their property caused by non-negligent action of Forest Service employees. Authorizes the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots. Removes the limitation on the amount of capitalization in the Forest Service working capital fund.

MISCELLANEOUS FOREST LEGISLATION

WEDNESDAY, JULY 25, 1962

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., room 1310, New House Office Building, Hon. George Grant (chairman) presiding.

Present: Representatives Grant, McMillan, Matthews, Harding, Hagan of Georgia, McIntire, and Short.

Also present: Christine Gallagher, clerk.

Mr. GRANT. The committee will come to order, please.

We have set down for hearing this morning H.R. 12434 and related bills.

(H.R. 12434 and the Department of Agriculture report follow:)

[H.R. 12434, 87th Cong., 2d sess.]

A BILL To facilitate the work of the Forest Service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That purchasers of national forest timber products may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of erosion control work necessitated by their operations, such deposits to be covered into the Treasury and constitute a fund to be available for such work until expended: *Provided*, That any deposits in excess of the amount expended for such erosion control work shall be transferred to miscellaneous receipts, national forests fund, to be credited to the receipts of the year in which such transfer is made.

SEC. 2. Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

SEC. 3. The Act of July 8, 1943 (57 Stat. 388), as amended (5 U.S.C. 567), is further amended by striking out the words "within twenty years."

SEC. 4. Not to exceed \$35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

SEC. 5. The Act of June 11, 1906 (34 Stat. 233), as amended and supplemented (16 U.S.C. 506-508, 509), is hereby repealed.

SEC. 6. The provision of the Act of August 10, 1912 (37 Stat. 269, 287), which reads, "That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven" is repealed.

SEC. 7. The Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551) is amended by deleting from the second full paragraph on page 35 the portion thereof reading "as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States" and inserting in lieu thereof "by a fine of not more than \$500 or imprisonment for not more than six months, or both."

Section 32(f) of the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011(f)) is amended to make the last sentence thereof read as follows: "Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both."

SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 574) is amended by changing the amount in the proviso from \$500 to \$2,500.

SEC. 9. Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

SEC. 10. Section 13 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1034; 15 U.S.C. 579b) is hereby amended by deleting from the second sentence thereof the comma after the word "assets" and the words "but such capitalization shall not exceed \$25,000,000."

SEC. 11. The Secretary of Agriculture is authorized under such regulations as he may prescribe, to issue permits for terms not in excess of fifty years, for the production of natural steam from National Forest or other lands under the jurisdiction of the Forest Service, and for the utilization of such steam on such land or for removal of it therefrom, and for the use and occupation of so much of such land as may be needed for such purposes.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 20, 1962.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill to facilitate the work of the Forest Service, and for other purposes.

This Department recommends enactment of the draft bill.

The draft bill would provide authority which we believe is needed to more efficiently and effectively administer Forest Service programs. The several sections of the bill are independent and each would provide specific authority which would facilitate the administration of Forest Service programs.

The draft bill would—

- (1) Authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work.
- (2) Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists.
- (3) Remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence.
- (4) Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical conditions, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service.
- (5) Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.
- (6) Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests."

(7) Reduce the penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense.

(8) Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests.

(9) Authorize the use of Forest Service funds to pay expenses of or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots.

(10) Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund.

(11) Authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

Attached to the draft bill are statements explaining the purposes of each of the sections in the draft bill.

A similar letter is being sent to the President of the Senate.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress for its consideration.

Sincerely yours,

ORVILLE L. FREEMAN.

(The draft bill referred to above is identical to the bill, H.R. 12434, supra.)

SUMMARY AND JUSTIFICATION OF PROVISIONS OF DRAFT BILL

SECTION 1

Authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work.

Logging operations and other operations for the harvesting and removal of national forest timber products are a recognized cause of soil erosion. Contracts for the sale of timber may contain provisions to prevent improper practices which might lead to undue soil erosion. Such contracts may also require the purchaser to take steps to minimize the impacts of logging and other operations which may lead to soil erosion. These include seeding grasses; constructing barriers to waterflow in temporary truck roads, tractor roads, and log-skidding roads; and removing debris from natural drainage channels. The cost of soil erosion prevention work is estimated and allowed as an operating cost in appraising the timber or other products for sale. In order for some of the erosion control measures to be fully effective the maintenance of erosion control structures must be continued for several years after completion of the logging or other operations and until the disturbed areas become stabilized. However, it is not practicable or desirable to keep the sale contract in effect during the post-sale stabilization period.

Under present authority purchasers may voluntarily deposit funds and let the Forest Service perform the work. This enables the work to be completed after the sale is closed. However, unless the purchaser elects to make deposits, there is no practicable means to have the purchaser perform the post-sale stabilization work.

Authority to require purchasers to make deposits into a fund for erosion control work would assure the effective completion of such work and particularly the part that needs to be accomplished after the sale is closed.

Inasmuch as the estimated cost of doing the erosion control work is allowed as an operating cost in the appraisal, any excess of such required deposits over and above the actual cost of doing the work should be transferred to the national forests fund.

SECTION 2

Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists.

The Forest Service has many tracts of land largely located outside of national forest boundaries which have been acquired under the act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 555) as amended by section 13 of the act of April

24, 1950 (64 Stat. 82) and several emergency relief acts of the 1930's. These lands are not exchangeable under present laws. Due to the pattern of settlement and development or to changing administrative and resource management needs, development of some of these tracts is not necessary or desirable although a site in another location may be badly needed. Opportunities arise to exchange these lands for tracts better suited for administrative use or for private lands within the national forests suitable for national forest purposes. Eight special laws have been enacted since 1949 authorizing exchange of such tracts. Additional cases are expected to develop. General authority for the Secretary of Agriculture to exchange these lands will avoid the cost and work involved in enacting special legislation to consummate each individual exchange.

SECTION 3

Remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence.

The Department has acquired large acreages of land for national forests, land utilization and conservation projects, and other purposes. A large part of these acquisitions were made during and since the 1930's. Despite the care that was taken, typographical error, erroneous surveys, and mistakes in abstracting resulted in certain cases in the Government acquiring title or color of title it did not intend to take. The 1943 act permits the Secretary of Agriculture to make title adjustments in these cases. A 10-year limitation from the date of acquisition was originally imposed by the act. In many cases, the need to make such adjustments did not become known until after the 10-year period had expired. To permit action on these additional cases, Congress increased the time limit to 20 years by an amendment in 1952 (66 Stat. 11).

In the light of the then existing conditions, it was thought that most cases requiring such title adjustments would develop and be cleared within the authorized 20-year period because the major acquisition programs were conducted in the 1930's and 1940's. Since 1952, title adjustments have been made in 206 cases involving 2,428 acres. Of these, 139 cases involving 1,478 acres have been developed and closed within the last 5 fiscal years.

Over 100 cases have been found in which title adjustments should be made but in which action is barred because the 20-year period has expired. It is known that this number will be increased materially as national forest landline survey and marking programs progress, and more intensive utilization of national forest lands is established. In addition to the accelerated program of landline location, surveys in connection with road construction and timber sale projects are disclosing claims to and disputes over landownership that have not heretofore developed because adjoining landowners have had no occasion to question the location of their property lines or those of the Government. In some of these disputes, it probably will develop that title adjustments are necessary.

To facilitate equitable and prompt adjustment of these cases when they arise, with due regard for the interests of the claimant and the Government, the Secretary of Agriculture should have authority to make such adjustments as are found justified regardless of the lapse of time between acquisition of a tract by the Government and discovery of the error.

SECTION 4

Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service.

In the protection and management of the national forests, the Forest Service maintains many permanent and temporary work centers which employ from 10 to 150 employees each. The work centers are generally isolated from established recreation facilities by distance, lack of transportation, or because of job requirements which restrict employees to the work center area during normal recreation periods. The authority would permit the Forest Service to provide minimum recreation facilities and opportunity for its employees consistent with

the degree of isolation and permanence of the individual work centers. At temporary work centers or tent camps recreation equipment would be limited to the kind which would require inexpensive facilities for use, such as softball, volleyball, badminton, and horseshoes. In addition, a recreation tent or room would be provided. It would be equipped with small games such as chess and checkers, writing facilities, a few selected books and quality magazines, and radio and television if electricity is available.

As permanent work centers all of the above equipment and facilities would normally be provided plus a modest combination tennis, volleyball, badminton, basketball court, and an improved softball field.

Transportation for recreation trips for isolated crews and for families in isolated places such as Alaska would be provided. The benefits to employee morale, safety, physical condition, and work production have long been recognized by the armed services and private industry. In recognition of the worth of these benefits the armed services and leading private industry have provided recreation equipment, facilities, and services for their people. The isolated situation of some Forest Service work centers may closely parallel that of a military base on a Pacific island.¹⁵

Of the 31,000 peak season Forest Service employees it is estimated about 6,000 of the temporary or seasonal employees work in isolated situations that need provisions for recreation. A large percentage of these employees are young men just out of high school or college students. For many, this is their first real job and their first time away from home. An essential measure in developing and maintaining high morale and work performance is to channel their energies during leisure hours into healthful recreation pursuits. A small investment in their safety and physical condition will yield higher morale and increased work performance for the Forest Service today and to the Nation tomorrow.

SECTION 5 (REPEAL OF THE ACT OF JUNE 11, 1906 (34 STAT. 233), AS AMENDED AND SUPPLEMENTED (16 U.S.C. 506-508, 509))

Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.

The Forest Homestead Act was enacted in response to public demand that reserved public domain lands suitable for farming in the national forests to be made available for homesteading. In response to the act, the national forests were systematically examined, largely from 1906 to 1919, and lands having possibilities for agricultural use so classified and listed. Some 21,000 tracts covering 2 million acres were listed. Some listed lands subsequently were found clearly not suited to agriculture and were withdrawn, but the majority were entered and patented. During the same period, areas embracing over 29 million acres were eliminated from the national forests, thus making the public lands within their areas available for entry under other appropriate laws if suitable. There now remain no lands listed for homestead entry in the national forests, except a small acreage in Alaska which have remained unentered for years.

Lands listable under the June 11, 1906, act criteria have been made available and patented. The Forest Homestead Act has served its purpose and its continuance is unnecessary. Its continued existence, however, leads to occasional demands for classification of lands by people who desire to obtain national forest lands for private use. These requests must be investigated in detail, with consequent cost in time and money. Repeal of the law therefore is recommended.

SECTION 6 (REPEAL OF A PROVISION OF THE ACT OF AUGUST 10, 1912 (37 STAT. 269, 287))

Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests."

The provision was enacted at a time of relatively low economic activity contrasted to the present, and it was a time when the Government was seeking to encourage settlement of the West. National forest timber made available by this means helped homesteaders and settlers get established. Other markets

and uses for the timber were very limited, and in many localities totally non-existent.

Circumstances warranting the provision are now largely eliminated. The West is no longer an undeveloped agricultural frontier. Modern farming calls for the use of processed forest products in specialty form now readily available on the market. Sharp competition for national forest timber has now developed and it is both impracticable and costly to administer the provision as originally intended. It is increasingly difficult to distinguish between qualified settlers or farmers and such people as dude ranchers, summer-home residents, and suburban gardeners. There is uncertainty as to whether corporations and associations qualify. The Government is placed in the position of assuring that timber so sold is used for domestic purposes.

Elimination of the provision would not affect the discretionary authority of the Secretary to permit free use of national forest timber by bona fide settlers, miners, residents, and prospectors for firewood, fencing, buildings, mining, prospecting, and other domestic purposes.

SECTION 7

Reduce penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense.

At the present time, violations of the rule and regulations of the Secretary of Agriculture with respect to the use and occupancy of the national forests and national grasslands are punishable by a fine of not more than \$500 or imprisonment for not more than 1 year, or both. The Federal Government has proprietary jurisdiction over the national forests and national grasslands. U.S. Commissioners, under certain circumstances, may try and sentence persons committing petty offenses in places over which the United States has exclusive or concurrent jurisdiction.

There is now before the Congress legislation which would authorize U.S. Commissioners specially designated for that purpose to try and sentence persons committing petty offenses in any place over which the United States has any form of jurisdiction.

Experience has shown that enforcement of the regulations for the protection and occupancy of the national forests and national grasslands would be greatly facilitated if the persons violating such regulations could be taken before U.S. Commissioners for trial and sentence, rather than having them tried in the U.S. District Courts, whose dockets are already overcrowded with other matters.

A petty offense is defined as one for which the penalty is not to exceed 6 months' imprisonment or a fine of not more than \$500, or both. Thus, it is necessary that the penalty for violations of the rules and regulations of the Secretary with respect to the national forests and national grasslands be reduced to make such violations a petty offense if the legislation to enlarge the jurisdiction of U.S. Commissioners is to be of benefit in the administration of the national forests and national grasslands.

SECTION 8

Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests.

The Secretary of Agriculture has authority under the 1930 act to reimburse owners of property for damages up to \$500 caused by employees of the United States in connection with the protection, administration, or improvement of the national forests. This authority has no application to damage caused through negligence. Values of real and personal property have increased considerably since the enactment of the reimbursement authority in 1930. Likewise, the costs of labor and materials for repair of damages to property have increased to several times the costs in 1930. The Congress has recognized these increased values and costs in the Tort Claims Act of June 25, 1948, as amended (62 Stat. 982), and the act of January 31, 1931, as amended (16 U.S.C. 502) by increasing the dollar limitation on settlement authorization to \$2,500.

While the majority of claims arising from damage to private property are handled under these two acts, each year we have several claims to process under the Nonnegligence Claims Act of May 27, 1930. It is important that this act be amended to be consistent with the settlement authorization limitations of other acts, and to facilitate prompt settlement of claims for payment of damages involving nonnegligent action.

SECTION 9

Authorize the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots.

In recent years the Forest Service has been constructing, annually, from 75 to 100 dwellings for key personnel. Many of these units are being constructed in towns and cities on individual lots purchased by the Government. Selected lots for such purposes are usually located in scattered, individual locations throughout residential areas of towns and cities where sidewalks, curbs, and street paving are normally installed in front of all lots. These improvements generally are built by the city and financed by assessment of adjoining owners. There is no present authority for the Federal Government to pay its share of the costs. As a result, we have residences in many towns where these improvements are installed in front of all lots on a street except the one held by the Forest Service. This results in short gaps in street paving, sidewalks, and curbs that are unsightly and detract from the neighborhood. In other instances, the Federal Government's normal share of the costs is borne by the other property owners.

The authority to meet this problem will permit the Forest Service to redeem its civic duty as any property owner or "neighbor" would be expected to do—to improve its property in line with other property on the street or block and to bear its proper share of improvements that directly benefits its property.

SECTION 10

Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund.

The working capital fund is a revolving fund set up to furnish equipment and supply services to Forest Service programs. Program expansion requiring increases in motorized equipment such as trucks, tractors, graders, air fleets, and expansions and additions of three nurseries consequently requires increased capitalization in this fund. Measured in terms of appropriations, program expansion in the past 5 years has been more than 60 percent. Capitalization in the working capital fund necessarily has increased accordingly to take care of this expansion. Projections indicate that total capitalization resulting from program expansion will soon approach the point where it cannot remain within the present \$25 million limitation.

The fund was originally established to provide a practicable method of financing and accounting for the various service operations that are necessary to serve, concurrently, the program of fire protection, timber utilization, construction and maintenance of roads and other improvements, reforestation, watershed, forest research, and other conservation activities of the Forest Service. It facilitates the work of the Forest Service by providing an orderly method of distributing costs of these service operations equitably between the various programs.

Since the Working Capital Fund is a facilitating device in connection with equipment and supply services, the amount of capitalization in the fund is almost wholly dependent upon the size of the Forest Service programs. Control over the size of such programs is exercised through the appropriation process. This, in effect, provides control on the size of the working capital fund.

Elimination of the capitalization limitation would permit the Forest Service to capitalize and operate, under the working capital fund, additional equipment purchased from appropriated funds, or obtained from surplus Government sources at no cost as the needs of expanded programs dictate.

SECTION 11

Authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

The Secretary of Agriculture does not now have the authority to permit the production and use of natural steam from national forest or other land under the jurisdiction of the Forest Service. Natural steam is not subject to disposition under the mineral leasing laws.

The Forest Service has been requested to grant permission to drill for natural steam to be used in the generation of electric power for commercial or industrial use. The prospective applicant has been operating a pilot plant which utilizes steam, produced from private land, in the vicinity of the proposed permit area.

Development and utilization of this resource, under such terms and conditions as are found necessary, would be consistent with resource management of lands under the jurisdiction of the Forest Service. The applicant is unwilling to make the necessary investments without securing adequate protection of tenure.

Mr. GRANT. Our first witness this morning is Mr. Reynolds Florance.

I believe you have been patiently waiting for this moment and we will be glad to hear from you now.

**STATEMENT OF REYNOLDS FLORANCE, DIRECTOR, DIVISION OF
LEGISLATIVE REPORTING AND LIAISON, FOREST SERVICE, U.S.
DEPARTMENT OF AGRICULTURE**

Mr. FLORANCE. Thank you, Mr. Chairman and members of the committee.

My name is Reynolds Florance and I am Director of the Division of Legislative Reporting and Liaison, Forest Service, U.S. Department of Agriculture.

H.R. 12434 is a bill to facilitate the work of the Forest Service and for other purposes.

There was transmitted to the Congress by executive communication dated April 20, 1962, from the Secretary of Agriculture a draft bill which was introduced as H.R. 12434. It contains 11 separate and distinct sections which actually are unrelated to each other.

It is a bill, as its title indicates, designed to facilitate the work of the Forest Service. The letter from the Secretary had attached to it, in addition to the draft bill, a summary and justification of the provisions of the draft bill.

I will not undertake to go into great detail on each of the sections because of the number of bills the committee has for consideration this morning, but I will touch briefly on each of the sections in order.

Section 1 of the bill would authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work.

At the present time the Secretary of Agriculture has authority in connection with the sale of timber and other products from the national forests to require the purchasers to do certain erosion control work in connection with, and as a part of, their operations.

This section would not enlarge the authority of the Secretary to require such work to be done. The only thing that it would do would be to enable the Secretary to require the purchasers to make deposits with the Forest Service which would then be available to the Forest Service to perform the work.

At the present time there is authority for the Forest Service to receive deposits from purchasers of timber to perform this type of work and to use the moneys for that purpose.

The distinction is that this bill would enable the Secretary to require these deposits to be made. One of the basic reasons for this section is that in order for the erosion control work to be performed effectively a certain amount of it needs to be done after the normal timber sale operations are completed. At the present time it is inconvenient in many cases for the operator to have to go back into the sale area and perform this type of work after the sale is closed.

This would enable the Secretary to have that work performed through the Forest Service and thus be convenient to both the Forest Service and the operator.

Mr. Chairman, I can proceed to discuss each section, or all of the sections in order. However, you may want to ask questions, if you have some, about each section as we complete it.

Mr. McINTIRE. Mr. Chairman?

Mr. GRANT. Yes, sir.

Mr. McINTIRE. I do have a question on this point.

In order that we might have it in the record, it might be well to take these individually.

When a tract of timber is opened up and bids are taken on it, are the specifications from which an interested party is bidding such that they set forth the requirement of erosion control?

Mr. FLORANCE. Yes, sir; those are included in the prospectus for the timber sale so that at the present time the operator who may be a prospective bidder on the sale knows at the time he makes his bid, the nature and quantity of work for erosion control that he must perform in connection with that timber sale.

Mr. McINTIRE. In the bid specifications, is he required to separate this from other factors on which he is basing his bid price, the erosion control for stumpage? Is that an item he is putting in his bid and do the bid specifications require this item be identified from other items?

Mr. FLORANCE. At the present time, this item is not included in either the stumpage payments or the required deposits. Actually, the bidder must consider this as a cost which he must bear in the same manner as the cost of hauling the logs from the woods to his mill.

Mr. McINTIRE. The specifications might also set forth that he is to construct access roads to the timber according to the specifications in a manner satisfactory to the Forest Service?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. What I am trying to develop for the record is the fact that this provision you are asking for here is that deposits be required and these deposits are to cover erosion control work.

How does the bidder know, in dollars and cents, what this is going to be and when does he know it? Is there any possibility of a retroactive assessment after the operation is closed?

I think the record ought to be clear on this, Mr. Florance, just how this is intended to be administered.

Mr. FLORANCE. Yes, sir.

Upon the enactment of this section, the amount of deposit for this type of work would be specified in the timber sale prospectus. He would know the amount of deposit he would be required to make.

When that deposit is made, except in those instances where the timber sale contract may provide for adjustments in stumpage rates and other items, where the contract extends for more than a 3-year period, we usually have that type of provision in our contracts.

Except in those cases, he would not be required to deposit any more than the amount specified in the timber sale prospectus.

Mr. McINTIRE. This might be less than the total cost of doing this control work? Is it intended the deposit will be equivalent to what is estimated as the cost of that operation?

Mr. FLORANCE. It is intended that the deposit will be equivalent to what is estimated as the cost. At the present time that estimated cost is allowed as an operating cost in the appraisal of the timber.

That same thing would be true except that instead of the purchaser performing the work himself he would make the deposit with which the Forest Service would perform that same work. The amount he would deposit would be the amount specified in the timber sale prospectus or invitation for bid.

That would be the same amount as was calculated in the timber sale appraisal.

Mr. McINTIRE. Would it be the policy of the Forest Service to expect that he might work out these practices and his deposit might be returned to him?

Mr. FLORANCE. Under this language the authority to require these deposits is a discretionary authority. It does not necessarily follow that the deposit would be required in all cases. In some cases, the sale offering might specify the work to be done and indicate that the operator may do that work himself, but if the deposits are required, then he would not perform that work. The Forest Service would perform it.

Mr. McINTIRE. Then you are saying that when a deposit is required, it is anticipated that the Forest Service will perform the erosion control work and this is simply compensation to them for doing that?

Mr. FLORANCE. That is right.

Mr. McINTIRE. If the cost is any less than the deposit, what is the policy in that regard?

Also, for the record, would you comment on what would be the situation if a deposit was required? What would be the situation if the Forest Service found that the cost of doing the work, as specified in the contract, exceeded the deposit? What is the situation there? I think the record ought to be clear as to what the policy is to be.

Mr. FLORANCE. In the latter case, if the estimate of cost is low and the actual cost of performing the work is more than the estimated amount, that additional cost would not be charged back against the operator. By the same token, if the actual cost of performing the work was less than the estimated cost, then the difference, under the language of the bill, would be transferred to miscellaneous receipts. Of course, the reason for each of those situations is that the amount of the deposit will be the same as the estimate allowed in timber appraisals for that particular work.

Mr. McINTIRE. You are not concerned that these estimates might turn out to run a little on the plus side most of the time and covering the balances in there?

Mr. FLORANCE. No, sir. I do not think that would happen. I think the estimates would be reasonably accurate.

Mr. McINTIRE. I am sure they would be intended to be but there is this problem and this is bound to arise.

Mr. FLORANCE. That is right. There is always a chance for some margin of error in either case. The amount that would be deposited would be the same as the estimate allowed in the timber appraisal. The operator would not be expected to make additional deposits over and above those that he has made in accordance with the timber sale contract.

Mr. McINTIRE. The Forest Service is requesting this authority, I assume, because they do find from experience that the performance of these erosion practices under a contract in which the purchaser does this work results in this work not being done in the period they anticipated; hence, there is a need for the Forest Service to carry out the erosion control work? This request is predicated on the fact that there is some degree of problem there and through these deposits they are assured that funds are adequate and the work would be done?

Mr. FLORANCE. That is correct. In many instances, the erosion control work can most efficiently and effectively be performed after the sale. If you require the purchaser to perform that work after the logging operations are concluded it means that he has to go back in, perhaps months later, after he has already completed his woods work, and move to another location.

Mr. McINTIRE. The amount of erosion control work necessary, I suppose, varies widely because of topography and the characteristics of the stand and the logging operations?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. Where the road goes in, where the cut is being made—these are factors. Then there is yarding and the bringing in of the logs to a central loading point and the resultant exposure of the slope from that kind of an operation; therefore, every sale has its individual characteristics in this regard?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. That is all. Thank you very much.

Mr. GRANT. Is it not six of one and half a dozen of the other, regardless of the manner in which it is handled, that in the final analysis the Forest Service would continue to get about the same revenue from this? What I am attempting to say is that if this work is performed by the Forest Service itself, the net profit to those who bought the timber would be approximately the same?

Mr. FLORANCE. That is correct.

Mr. GRANT. It would give you more uniformity, you might say, in looking after this than would be the case otherwise? He would know what to expect over a period of years?

Mr. FLORANCE. That is right. In this manner the cost of the work would be deposited with the Forest Service whereas if the work is performed by the operator he bears the cost directly himself. The cost in effect, for all practical purposes, is the same.

Mr. GRANT. Continue.

Mr. FLORANCE. Section 2 of the bill would authorize the Secretary to exchange lands under the jurisdiction of the Forest Service for which no exchange authority presently exists. There are certain lands which are under the jurisdiction of the Forest Service, mainly those acquired under the Administrative Site Act of 1925, or under one of

the Emergency Relief Acts of the middle 1930's, for which, at the present time, no exchange authority exists.

This situation is not generally true as to the Forest Service lands. For instance, the national forest lands withdrawn from the public domain are subject to the General Exchange Act of 1922 and the acquired national forest lands, those acquired under and subject to the Weeks law of 1911, are subject to the exchange provisions of that act.

These lands we are referring to here are mainly those outside the national forests boundary and, in most instances, are the ones which have been acquired to meet administrative site needs. In some of those instances, the site can still serve its purpose but not as effectively as another site might.

This section would enable the Secretary to exchange those lands in such circumstances.

Mr. SHORT. Mr. Chairman?

Mr. GRANT. Yes.

Mr. SHORT. Would this suggested authority for exchanging lands apply to lands that were acquired under the Bankhead-Jones Farm Tenant Act and now administered by the Forest Service?

They are subject to a mechanism for exchange now?

Mr. FLORANCE. That is correct. There is exchange authority with reference to those lands at the present time.

Mr. SHORT. This provision in this suggested law is not directed at those lands?

Mr. FLORANCE. This provision is directed only at those lands for which no present exchange authority exists. It does not supersede or replace the exchange authority as to the national grasslands or other lands administered under title III of the Bankhead-Jones Farm Tenant Act, or to either the acquired Weeks law national forest lands, or the national forest lands withdrawn from the public domain.

Section 3 of the bill would remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his jurisdiction where it has been found that such title or color of title is legally insufficient for the purpose for which the lands were acquired, or that it was acquired through mistake, misunderstanding, error, or inadvertence.

The act of July 8, 1943, originally had a 10-year limitation in it. In other words, the authority to quitclaim could be exercised only where that was done within 10 years from the date on which the Government acquired either the title or color of title.

That act was subsequently amended so as to increase the limitation to 20 years.

We have now found that there are still many situations in which, through error or mistake, or inadvertence, the Government either has title or color of title to parcels of land which should be reconveyed. We have just had enacted this year, through this committee, a bill to revest certain lands in the State of Florida to the Drake heirs where title had been acquired through error or mistake, and more than 20 years had elapsed.

The reason for that special bill was only that more than 20 years had elapsed. We find that we have perhaps more than 100 cases we know of at this time where more than 20 years has elapsed.

Also in connection with our boundary markings and locations of corners, we are uncovering additional cases as we go along. Since most of the lands we have acquired were acquired prior to 1942, it is almost certain that those cases we uncover today will be more than 20 years old.

I might point out that over the period 1952 through 1962, there was a total of only 215 cases involving 2,968 acres in which quitclaim deeds were executed under this authority.

So, the situation is not one of deeding back large areas or numerous tracts. It is only to correct those situations were genuine mistakes or errors have occurred and where, in all fairness and equity, the Government should remove a cloud from the title.

Mr. SHORT. This provision would apply to lands acquired under title III of the Bankhead-Jones Tenant Farm Act?

Mr. FLORANCE. That is correct.

Mr. SHORT. This would cover the lands I referred to a minute ago that are now administered by the Forest Service?

Mr. FLORANCE. That is correct. If we had situations, or a case in which either title, or color of title, had been acquired through mistake or error, we could correct that by the issuance of a quitclaim deed.

Section 4 of the bill would authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services, for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production.

Authorization for this purpose would not exceed \$35,000 annually of the funds available to the Forest Service.

The Forest Service has a large number of seasonal employees many of whom are college boys and in many instances the job they are on may be their first real situation where they have been some distance from home, other than in school.

We found that there have been a number of situations where, in order to provide recreational equipment for these boys who are in camps located at isolated communities or who, because of their working conditions and requirements, are, in effect, isolated, the supervisory personnel have through their own funds gone out and bought badminton sets and other types of equipment so that these boys could entertain themselves in off hours.

We feel that this request is for a very modest amount and we feel that we can do a real service, not only from the standpoint of maintaining the morale of the Forest Service employees but we can increase their work production. We can stimulate and help to build up the human resource through this method and provide wholesome off-hour entertainment that these men need.

Mr. GRANT. Does this mean a maximum of \$35,000 for all of this service?

Mr. FLORANCE. A maximum of \$35,000 per year for the entire Forest Service.

Mr. McINTIRE. How many weeks of employment are involved in these temporary groups?

Mr. FLORANCE. This varies, Mr. McIntire, according to the type of seasonal work. Usually it runs from along in the early or middle part of June until September.

Mr. McINTIRE. To the last of August?

Mr. FLORANCE. That is correct. There is no set period, however.

Mr. McINTIRE. In your explanation here it is represented that some of these funds will be used for transportation to isolated places? Where did I see that?

Mr. FLORANCE. Yes, sir; that is in here. That is explained at the top of page 5 of this summary and justification.

The transportation for recreation trips for isolated crews and for families in isolated places such as Alaska would be provided.

We contemplate that that authority would be used very sparingly and only in these situations where it is found to be essential. In Alaska there are many employees who are located in very small communities where roads quite generally are not sufficient to justify the employee having his own personal car, for instance.

Mr. McINTIRE. It would not do him any good in some places?

Mr. FLORANCE. That is right because there are no roads to travel on.

Mr. McINTIRE. He could not get in and out.

Mr. FLORANCE. There are many of these areas up there where around a particular community there may be only a few miles of passable roads. As you say, a car would not do him any good if he had one for his own personal use. Yet, there may be a need for that employee and his family to get out at least a few miles from his home for some form of outdoor recreation.

Mr. McINTIRE. You said "employee and his family"? Are these temporary employees there with families?

Mr. FLORANCE. This is not limited to temporary employees. We have some permanent employees who are located in these isolated situations and that is one of the real problems in Alaska where we have a ranger or other Forest Service people located in some of these very small communities that do not have transportation facilities.

Mr. McINTIRE. In connection with your statement about 31,000 peak employees in the Forest Service, it is estimated that about 6,000 temporary or seasonal employees work in isolated situations.

You say they need provision for recreation? Is this about the size of your summer crew or temporary crew?

Is your summer employment on this temporary basis in about this number? How many do you have in the summertime in the way of these people who go back into summer work?

Mr. FLORANCE. Mr. McIntire, this particular figure is the one that applies only to those seasonal employees who are situated at these isolated situations.

Mr. McINTIRE. This does not represent all of the seasonal employees?

Mr. FLORANCE. This does not represent all of our seasonal employees. Many of our seasonal employees are not located at isolated camps or in situations that, because of work requirements will they become isolated.

Mr. McINTIRE. Do you have any idea, offhand, as to what your total applications are for employment in relation to the total job opportunities for temporary employment in the Forest Service?

Mr. FLORANCE. The relationship of the total number of applications for employment to those who can be employed?

Mr. McINTIRE. Yes.

Mr. FLORANCE. I am not sure I can give you the exact figure, Mr. McIntire, but I do know we have many applications for every job we have available. I have in mind we have had times when we have had as many as 10 applications for every job we have available.

Mr. McINTIRE. I thought this was the type of opportunity for summer employment a great many were interested in?

Mr. FLORANCE. That is correct. We have to turn down many every year.

Mr. McINTIRE. That is all.

Mr. FLORANCE. Section 5 of the bill would repeal the Forest Homestead Act. That is the act of June 11, 1906, as amended, that authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forests and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.

As you can see from the date of the Forest Homestead Act, it was passed at a time when the western part of the country in particular was still in an early stage of development. The national forests had been carved largely out of the public domain and this act directed the Secretary to go out and examine those lands that had been included in the national forests which were suitable for homestead entry, which could be listed for entry without damage to the national forests, and which were not needed for public purposes.

That classification and listing was accomplished, and the lands that were listed have all been either entered and homesteaded or the lists have been canceled because later examination disclosed that the original listing perhaps should not have been made.

The summary and justification states that there now remain no lands listed for homestead entry in the national forests except a small acreage in Alaska which has remained unentered for years.

Actually, these remaining lands that were listed in Alaska have now been canceled so that at the present time there remain no lands listed for entry under this Forest Homestead Act.

The very fact that the act is on the books, however, prompts many inquiries to be made of the Forest Service as to the availability of lands within the national forests for homestead entry. Occasionally magazine articles refer to this act as an act under which lands can be acquired through homestead entry. These and similar references in other publications stimulate inquiries. The result is that not only a great deal of work comes about for the Government but in many instances disappointment to the people who are seeking some lands to acquire.

In effect, we feel that this act has served its purpose, a good purpose, but it no longer serves any beneficial purpose. On the contrary, it causes both expense to the Government and disappointment to many who would seek homestead entries.

Mr. SHORT. Mr. Chairman, may I ask a question right there?

Mr. GRANT. Yes.

Mr. SHORT. First of all, in the paragraph at the top of page 6 of your summary and justifications, analysis of the different provisions, it says that no lands listed for homestead entry in the national forests except a small acreage in Alaska have remained unentered for years.

. Did I understand you to say a minute ago that this exception is not actually true?

MR. FLORANCE. Since that statement was prepared those lists have been canceled.

MR. SHORT. I see.

Let me ask you this: I do not understand the pattern of land administration. Are there lands that are not forest lands in Alaska that would be available for homestead entry?

MR. FLORANCE. There is public domain there, Mr. Short. I am not—

MR. SHORT. This is the point I was getting at: All of the land in Alaska obviously is not in the national forest?

MR. FLORANCE. No, no.

MR. SHORT. There must be some land in the public domain category that perhaps would be available for homestead entry; is that correct?

MR. FLORANCE. I do not want to attempt to speak for the Department of the Interior which administers the public domain, but certainly there is a great deal of public domain in Alaska. Whether it is suitable for homestead entry, I really do not know.

MR. SHORT. This brings up this question: Again perhaps I am asking you a question not within your province, because this is subject to Department of the Interior determination: The Department of the Interior public domain lands conceivably might be open for homestead entry, but does the Department of the Interior have authority to designate whether or not these lands are eligible to be homesteaded?

MR. FLORANCE. Those lands that are open for entry, as I understand it, can be entered. In other words, if they are open for entry, then they can be entered, and if the entryman proves up, in effect, on his entry, he can get patent to it. As I understand it, the Secretary of the Interior has authority to make certain classifications and all of the lands that were formerly a part of the public domain that are administered by Interior are not open to—I should not say all of the lands are open to entry.

MR. SHORT. Not necessarily?

MR. FLORANCE. That is right.

MR. SHORT. Thank you.

Just one more question:

If I understand what you have said and what this report says, there has been no utilization of this provision of law which made it possible to homestead land within the national forests? There has been no utilization of this provision of law for quite some time; is that correct?

MR. FLORANCE. That is correct. In the early days it was used very effectively, although I will say that many of the lands that were homesteaded under this were found later not to be suitable. Many of them have been reacquired by the Government, but within the last 10 or 15 years there have been no complete homesteads entered under this, to our knowledge.

MR. SHORT. While we are on that subject, does the Forest Service allow acquiring of land within national forests under a mining claim approach? Is that the thing I hear about, people acquiring locations within national forests they desire to use more for the purpose of acquiring just a spot where they can have a camp or a cabin within a national forest, rather than actually utilizing it for the purpose the law intended, actually using it as a mining claim?

Mr. FLORANCE. That is right. The mining laws are generally applicable to the national forest lands which have been set apart and reserved from public domain.

Under the mining laws, a person may go out and locate a mining claim. If he has a valid discovery and has a valid location, then he can use that location for mining purposes. He can apply for patent and get patent for it.

Mr. SHORT. People have used this authority, or this opportunity, to acquire a spot perhaps for a cabin within the national forest, some place that happened to be along a good fishing stream?

Mr. FLORANCE. That is correct. There have been many mining patents issued that have been used practically none for actual mining purposes. They may have been based on a valid discovery though.

Mr. SHORT. Is there not a requirement that they must do so much development work each year in order to retain the claim?

Mr. FLORANCE. That is correct. They must do a certain amount of annual assessment work, not actually to hold the claim against the Government, so to speak, but to hold the claim against another locator. After they have performed, I believe it is \$500 worth of assessment work, then they can get patent for that land for a nominal fee.

Mr. SHORT. How much land? What acreage?

Mr. FLORANCE. Each patent generally, or each claim generally, is about 20 acres. That is the maximum size.

Mr. SHORT. Is one individual limited to one claim?

Mr. FLORANCE. No, you can get as many claims as you can locate.

Mr. SHORT. Is much of this sort of thing being done now?

Mr. FLORANCE. There has been quite a bit of it, Mr. Short. You may be familiar with the recent report the General Accounting Office made in connection with mining locations on national forests.

Mr. SHORT. I am not familiar with the report, but I have heard people speak who are close to some of the forest lands, particularly some of the ranchers who use forest lands for grazing purposes.

Mr. FLORANCE. It is a real serious problem to the Forest Service, the questionable use of mining laws to obtain rights and to occupy these lands.

In many instances we are finding there is no actual valid discovery of minerals. Of course, that presents problems, both for the locator and for the Government.

Mr. SHORT. Assuming they would make a finding—and I do not know what authority they would have to go on and take steps in trying to make a finding—that there was no legitimate use as a mineral claim—can the Government then cancel the filing and eliminate the claim and remove the individual from the land?

Mr. FLORANCE. There is a process available to the Government to protest his location. If a person has a mining location and is occupying it, we can go out and examine that location, and if we conclude there has been no valid discovery, then there is a procedure through the Department of the Interior whereby that location can be protested. A determination can be made then by the Secretary of the Interior as to the validity of that location.

If the location is declared invalid, then the locator has no further rights to occupy that claim. If the location is valid, then, of course, he has the right to occupy it for mining purposes and to proceed to patent provided he otherwise complies with the mining laws.

Mr. SHORT. Must he restrict his use of this land to mining purposes, this 20 acres, if it was a legitimate claim in the first place? Is there any restriction as to what use he can put this claim to?

Mr. FLORANCE. Prior to the claim going to patent, his rights are to the use of that claim only for mining purposes. After it goes to patent, there is no restriction on his use of that area any more than there is a restriction on any other property owned in fee by an individual.

Mr. HARDING. Would the gentleman yield?

Mr. SHORT. Yes. You are perhaps more familiar with this.

Mr. HARDING. I will not say I am more familiar with this, but is it not true that in the General Accounting Office report you mentioned, there is testimony about a nudist colony on a mining claim out near Boise, Idaho?

Mr. FLORANCE. Yes, sir.

Mr. HARDING. Was that not one of the most flagrant violations?

Mr. FLORANCE. Actually that particular camp was on patented land.

Mr. HARDING. It was on patented land?

Mr. FLORANCE. It was on patented land owned in fee. It was within the national forest boundary.

Mr. HARDING. That is right. That emphasized what you were saying, after it goes to patent the Forest Service does not have any jurisdiction?

Mr. FLORANCE. That is correct. Had that particular land not gone to patent, then the Government could have gone in and prevented a use for purposes other than mining.

Mr. HARDING. I thank the gentleman for yielding.

Mr. SHORT. That is all, Mr. Chairman.

Mr. GRANT. Proceed.

Mr. FLORANCE. Section 6 of the bill would repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture to sell, at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests.

Again, this is an act which was passed at a time when a large part of the country was still under intensive development. The need for this legislation, we believe, has passed. Actually, its existence on the books tends to cause difficulty in the administration of the national forests. One of the reasons is that in order to determine whether sales can be made under this act, we must make certain that the applicant for the timber is a settler or farmer, that the intended use is within the provisions of the bill, and there is a policing process, so to speak, we have to go through to see they do actually use it for the authorized purpose.

The repeal of this act would in no way affect the authority of the Secretary to permit any free use of timber to settlers or to miners.

We feel that the removal of this authority from the books will actually save work and effort on the part of the Government, and yet not do any damage to those for whose benefit it really was intended.

Section 7 would reduce the penalty for violation of regulations of the Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a pretty offense.

At the present time, the U.S. Commissioners are authorized to hear and try petty offenses under certain conditions. The penalty for violations of the Secretary's regulations with respect to the national forests and national grasslands exceeds that which is made applicable to a petty offense. Actually, the enactment of this section would not, of itself, give the U.S. Commissioners jurisdiction to try minor offenses on National Forests, due to the fact that the jurisdiction of the U.S. Commissioners is limited to those areas where the United States has either exclusive or concurrent jurisdiction. At the present time, the United States has what is referred to as a proprietorial jurisdiction over these lands.

However, there are proposals which would modify the jurisdiction of the U.S. Commissioners, and if that is done, then enactment of this section would make it possible for the Forest Service to use the U.S. Commissioners to try minor offenses which are committed on the national forests.

At the present time, we are required to take offenders into the U.S. district courts. This not only crowds the dockets in the U.S. district courts but it makes the job of enforcing the regulations far more difficult and a great deal more inconvenient to the offender.

Mr. GRANT. I think there is one thing here, too. In the district court, they are not always open for trial of cases but the commissioners court would be—

Mr. FLORANCE. That is correct. This would be a real convenience in many instances, both to the Government and the offender.

Section 8 would increase from \$500 to a maximum of \$2,500 the authorization which the Secretary of Agriculture would have to reimburse owners of private property for damage or destruction of their property caused by nonnegligent action of a Federal employee in connection with the protection, administration, or improvement of the national forest.

There are instances where, through the activities in protection and development of national forests, private property is damaged. Actually, this may result through no negligence on the part of the Government but for which the private person should be compensated.

This particular authority was first enacted in 1930. The amount for which settlement may be made has never been increased. The authority to settle claims under the Tort Claims Act and under other acts is presently about the same amount as we are recommending this authority be raised to.

Mr. SHORT. For the record, could you give us an example of the type of claim that might be involved here? I notice you said this authority applies to damage caused not through negligence. It is not the intent to cover that, is it?

Mr. FLORANCE. That is covered under other authority. One illustration is that in the big Santa Anita Canyon there was a tree felling operation by the Forest Service, and not through negligence, but one of the trees fell and injured a cabin on private property. The felling activity was done after normal precautions were taken, and yet the injury occurred. So that in that instance compensation up to \$500 was authorized.

Mr. SHORT. But that was the limit?

Mr. FLORANCE. That was the limit; that is correct. This section would increase that limit to \$2,500. Actually, we have very few of these cases in any one year.

Section 9 would authorize the use of Forest Service funds to pay the expenses of or assessments for construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved property.

The Forest Service is now in the process of either acquiring or constructing from 75 to 100 residences a year for its employees, mostly in small communities. At the present time we do not have authority to pay either street paving assessments or sidewalk assessments with reference to those properties.

Mr. SHORT. The property is not subject to taxation?

Mr. FLORANCE. The property is not subject to taxation, being Government property. The result is that in some instances we either find that while we are in effect living in the community, we either have to shift the burden of this sidewalk cost in front of our property to our neighbors or else we have to have the sidewalk come up to our line, stop, and pick up again at the other side. This section will enable the Forest Service to be good neighbors in these communities, to pay its own proper share of these improvements, which actually have the result of improving and enhancing the value of the Government property.

Mr. GRANT. You do not think that shifting the street and the paving and gutter assessments to the neighbors would make for very good neighbors?

Mr. FLORANCE. No, sir; we would rather be good neighbors and bear our share of this cost.

Mr. SHORT. Of course, this question arises continually in relation to all kinds of Government installations. I know at home this question has continually arisen in connection with a veterans hospital. It always seems to me the Government has taken a rather curious position in that they would not share the cost of the paving and curb and gutter that went by this installation, particularly in view of the fact that they were paying no taxes on the property on which the building was constructed.

Could you give us anything on that? When you went into this, did you have occasion to examine what other Government agencies are doing along this line? There are many Government agencies building homes for Government personnel of the agency on land that has been acquired by the Government.

Mr. FLORANCE. I do not know of any authority that any other agency has to do this.

We find ourselves in the situation of building most of these residences in small communities.

Mr. SHORT. I have seen some.

Mr. FLORANCE. We think that presents a somewhat different situation than where you are building in a very large city or where you are building another type of property. Of course, the Comptroller has ruled that in the absence of specific legislative authority, you cannot use appropriated funds to pay for these items.

Section 10 of the bill would remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on

the amount of capitalization in the Forest Service working capital fund.

Section 13 of the 1956 act set up authority for what we refer to as our working capital fund. It included a provision that such capitalization shall not exceed \$25 million.

At that time we, frankly, thought that our maximum needs for that fund would probably run no greater than \$18 or \$19 million. However, since 1956, the appropriations and the work level of the Forest Service have increased about 92 percent. We started out with that fund at a capitalization of around \$13 million. This year the capitalization reached a little over \$23 million. So that we are actually pushing up against the ceiling on this.

This fund basically is a servicewide fund through which is financed the equipment, machinery, supplies, work camps, and we are now capitalizing our nurseries through this fund.

The basic purpose of it is that you have these Service operations which service many different activities. The level of the needs in all these activities is governed by the level of your overall operating programs. So that the level of this fund is controlled by the level of the Forest Service programs. For that reason we have recommended that the ceiling of \$25 million on this fund simply be lifted.

Mr. McINTIRE. Lifted? Eliminated completely? Removed?

Mr. FLORANCE. Removed. I used the word "lifted" in the sense of taking away.

Mr. McINTIRE. I wanted to make sure you are not recommending another figure. You are not. You are recommending that the ceiling be removed—

Mr. FLORANCE. That is correct.

Mr. McINTIRE. Rather than to increase it to \$35 million?

Mr. FLORANCE. That is correct; that it be removed.

Mr. McINTIRE. You go through the appropriation process the same as any other agency, of course. In the appropriation process do you have to justify investment which you actually fund out of this program? Is there a limitation here in the appropriation process so that you are accounting for your use of this fund and setting forth for the Appropriations Committee what your needs are and what are your plans for capitalizing out of this fund?

Mr. FLORANCE. It does not work just that way, Mr. McIntire. Actually, there are no direct appropriations into the working capital fund.

Mr. McINTIRE. Where did it get its start?

Mr. FLORANCE. It got its start in this way. After 1956 the equipment and supplies were capitalized into this fund at their current or fair value. Then as our programs increased in size and the need for additional equipment arose, that additional equipment was obtained by using a pro rata proportion of the funds appropriated to the various activities, and the equipment was then moved into the working capital fund.

So that, for instance, forest road and trail fund may have borne, we will say, 40 percent of the cost of a fleet of trucks. Another fund may have borne 20 percent, and so on, until the whole thing was prorated out. Those prorations were on the basis of the past experience and the estimated use of that type of equipment for those activities for which appropriations were made to the Forest Service.

Mr. McINTIRE. In other words, when this fund was set up, all the assets characteristic of what you wanted to cover in the fund were transferred to the fund?

Mr. FLORANCE. Yes.

Mr. McINTIRE. You had an asset inventory on a dollar value basis?

Mr. FLORANCE. Yes.

Mr. McINTIRE. Then as you have gone along there has been a certain amount of money necessary to maintain the equipment inventory and increase it as necessary, which has been transferred from various appropriations into the fund?

Mr. FLORANCE. Yes.

Mr. McINTIRE. In the appropriation process is this equipment allowance an item which is approved in the appropriation process or do you have free administrative latitude to take 40 percent out of the forest roads and 20 percent out of something else, or how is this done? In other words, you want no ceiling.

Mr. FLORANCE. That is right.

Mr. McINTIRE. I think the record ought to show what constitutes administrative procedure here and what constitutes a limitation on the Forest Service. I am not criticizing, but from the standpoint of good administration, what constitutes the limitations on this fund if you take the ceiling off?

Mr. FLORANCE. There is no specific item in the budget for this. Actually, the level of this fund is controlled by the program that you have.

Mr. McINTIRE. The programs which you operate?

Mr. FLORANCE. That is right; the total programs that the Service has.

Mr. McINTIRE. In the appropriations for those programs annually, is there a line item or an authorization that permits the use of dollars for equipment purposes which, dollarwise, would transfer into the fund? Is there any vehicle here which is a guideline on the appropriation process that will discipline this fund to the point of good administration?

Mr. FLORANCE. There is nothing actually in the appropriation language—I do not believe there is anything in the appropriation history—that ties it directly. Actually, it depends upon your needs for equipment and services in carrying out your programs. History over the past few years has shown, for instance, that there is a very direct relationship between your working capital fund and your level of appropriations.

For instance, in 1957 the direct appropriations to the Forest Service were a little less than \$109 million. At that time the working capital fund amounted to \$13 million. In 1962 the direct appropriation to the Forest Service amounted to slightly less than \$209 million, an increase of about 92 percent. The working capital fund had increased to \$23 million, about 92 percent.

The years between it flowed almost in a direct relationship. The control actually is within the Service. This, of course, is in effect a service fund to all activities of the Forest Service so that each activity for which a direct appropriation is received is, naturally, interested and concerned in how much of its moneys may be diverted into the working capital fund.

Actually, the amount of the direct appropriations for a particular activity that goes into the working capital fund depends upon two things. The first is as equipment that is capitalized is used on a particular activity, a unit charge for the use of that equipment is made to each activity in connection with which it is used. One month it may be used on one type of activity and in another month it may be used on another activity. These unit charges are made on the basis of the amount of use. Those charges go to pay the cost of the operation and maintenance of that equipment and also to anticipate your needs for the replacement of that particular equipment.

The only time a charge is made against an activity for other than actual use of the equipment is when your program needs make it necessary to put into the working capital pool an increase in the equipment fleet. At that time, then the cost of that new equipment, which is an increase above your present level, is prorated among the activities on the basis of your estimates of how those activities would use that equipment.

Mr. McINTIRE. Then in case of the equipment which is declared surplus to your needs, does the Forest Service put this into the general surplus equipment that is handled through GSA, or, under this working capital fund, are you permitted to offer this for sale by the Forest Service and take the income from it and put it into this fund for reinvestment in new equipment?

Mr. FLORANCE. After the equipment has served its purpose in the Forest Service, we can take that equipment and sell it and use the proceeds as a part of the replacement funds for that piece of equipment. Generally speaking, that takes place when the equipment has reached a stage where it really should be traded in.

If there are actual excesses to our needs, then, of course, we declare it excess through the usual surplus property procedures.

Mr. McINTIRE. When you have a piece of equipment that you consider outmoded?

Mr. FLORANCE. We do not consider that excess.

Mr. McINTIRE. That is not excess to your needs?

Mr. FLORANCE. No, sir.

Mr. McINTIRE. You do control the disposition of this?

Mr. FLORANCE. That is correct, but if it is excess to our needs and we do not need that piece of equipment or one like it, then we may declare that piece of equipment excess.

Mr. McINTIRE. You are not saying that if you have a tractor or bulldozer that you want to trade in or want to liquidate, you have to reinvest in another bulldozer or declare the bulldozer excess? You have more latitude than that, do you not?

Mr. FLORANCE. We would not have to buy the exact same type of equipment. For instance, if we had a program going on where we were using particular types of drills and we had no longer any need for any kind of drills or equipment of that kind, then we would declare that excess.

Mr. McINTIRE. This gets to the question I wanted to lead up to. Are there any disciplines that prevent the exchange of equipment when there is considerable utility in the equipment you have? Or don't you have that temptation?

Mr. FLORANCE. No, sir; I don't think so. Actually, equipment is replaced when the need for replacement exists and the replacement of equipment is not considered as an increase in the equipment pool. You are replacing existing equipment.

I think one of the best controls over this fund is the very fact that in any organization where you have a number of different activities you can be absolutely sure that the people who are responsible for those activities are jealous to see that their activity is not overcharged.

Mr. McINTIRE. Thank you.

Mr. GRANT. Go ahead.

Mr. FLORANCE. Section 11 of this bill would authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

At the present time there is no authority in the Secretary of Agriculture or, as far as we have been able to ascertain, in any other agency to permit the production and use of natural steam from national forests.

We have one locality that so far we have determined has a potential for natural steam production. That is in the Inyo National Forest in California. There is some interest in the production of steam from that forest. At the present time we could issue a revocable type permit perhaps, but that would not give to the applicant the security of tenure that we feel should be given whenever the Government would authorize an activity of this kind.

Mr. SHORT. What use would be made of this steam?

Mr. FLORANCE. Generally it would be used for production of electricity or other power purposes. In other words, it is the energy that you get from the steam that is the valuable thing.

Mr. SHORT. Is this steam from hot springs or geysers like in Yellowstone Park?

Mr. FLORANCE. That is correct.

Mr. SHORT. What we are talking about here is the capturing of that steam and putting it to work for some purpose?

Mr. FLORANCE. Some beneficial purpose. It would not necessarily be the geyser type. You might drill for this. But it is that type.

Mr. SHORT. Would the Forest Service permit the production and use of natural steam on national forest and other lands, or is it contemplated that the Forest Service—I guess the word “permit” explains it—that the Forest Service would lease in some manner the right to develop and use.

Mr. FLORANCE. It would issue permits, the right to develop and use and produce this steam from the national forest land and to use the associated lands either in the production or removal of the steam.

In other words, it would be necessary not only to drill and to produce the steam but also to occupy adjacent areas. You might have a situation where you would transport that steam to a plant at some distance. You would need the intervening right-of-way.

Mr. SHORT. Is there someone that has a particular plan in this specific instance?

Mr. FLORANCE. There have been applications for this by some interested concerns in California. As I say, we have had this question arise only in that location up to this point. But we have had applications for it.

I understand this is actually being done on some private land there not too far from the national forest area.

Mr. SHORT. Where this same steam is available?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. This is being done in Australia, is it not?

Mr. FLORANCE. Frankly, Mr. McIntire, I am not sure.

Mr. McINTIRE. It is being done somewhere. I have seen reports.

Let me inquire as to this. On the explanation that accompanies this bill before us, you state here on page 11 that the Forest Service has been requested to grant permission to drill for natural steam with a view to generation of electric power for commercial or industrial uses.

Do I interpret this language correctly when I gather that it is not your request here for this source of power, this energy source, to be developed as an adjunct to a public utility, whether for private or public power? Do you not intend that this would be used strictly as a source of energy for a particular commercial or particular industrial use and would not become a source of power for transmission into a utility?

Mr. FLORANCE. This could become a source of power for a utility company.

Mr. McINTIRE. So your request here, through an interpretation of the word "commercial" is intended to be broad enough so that the power could be used in a system of distribution of electrical energy for public service?

Mr. FLORANCE. That is right. We intend that word to be broad enough to include that.

On page 4 of the bill there is one typographical error in line 10, where citation is made to 15 U.S.C. 579(b). That should be corrected to read 16 U.S.C. 579(b).

Mr. McINTIRE. One further question on this section 11.

If your request is in the context just recently discussed, then this would be subject to Federal Power Commission licensing, et cetera; is that right?

Mr. FLORANCE. Our information is that the Federal Power Commission does not feel it has authority to issue licenses for this type of situation. That is the reason there is need for getting authority in some agency to permit this to be done.

Mr. McINTIRE. I am not going to quarrel with your observation, for I very much doubt either of us has the appropriate answer; however I see no reason why the Federal Power Commission would have jurisdiction over the energy inherent in falling water, a natural power resource, and not over natural steam, another natural power resource.

Mr. FLORANCE. I must say I had the same question, but this was the information we received.

I would like to ask, if it would not automatically be done, that the transmittal letter and the summary and the justification statement be made a part of the record.

Mr. GRANT. Yes; it has already been included in the record. (See p. 90.)

Thank you so much. That will close the hearing on H.R. 12434.

(Whereupon, the subcommittee proceeded to the consideration of other business.)

H.R. 7195, To ADD CERTAIN LANDS TO THE WASATCH NATIONAL FOREST, UTAH, AND FOR OTHER PURPOSES

Mr. GRANT. We will go to H.R. 7195.
(H.R. 7195 and the report of the Department follow :)

[H.R. 7195, 87th Cong., 1st sess.]

A BILL To add certain lands to the Wasatch National Forest, Utah, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to aid in the control of floods that may originate thereon and the reduction of soil erosion through the restoration of adequate vegetative cover and to promote their management and protection as national forest lands under principles of multiple use and sustained yield, the lands described in section 2 hereof are hereby included in the Wasatch National Forest. Subject to any valid claims now existing and hereafter maintained, any of such lands owned or hereafter acquired by the United States are hereby added to such national forest and shall be subject to laws and regulations applicable to the national forests. The Secretary of Agriculture is authorized to acquire any such lands not owned by the United States which he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to the following described lands :

SALT LAKE MERIDIAN

Township 2 north, range 1 east, section 1, lots 1 to 4, inclusive, south half north half.

Township 3 north, range 1 east, sections 1 and 2; section 3, lots 1 and 2, south half northeast quarter; section 11, east half; sections 12 and 13; section 35, northwest quarter, south half northeast quarter, southeast quarter; section 36, south half northwest quarter, northeast quarter, south half.

Township 4 north, range 1 east, section 1, lots 3 and 4, south half northwest quarter, southwest quarter; sections 2 and 3; section 4, east half; section 9, east half; sections 10 to 15, inclusive; section 16, east half; section 21, east half; sections 22 to 27, inclusive; sections 34 to 36, inclusive.

Township 5 north, range 1 east, south half of sections 26 to 28, inclusive; section 29, southeast quarter; section 33, north half, southeast quarter; sections 34 and 35.

Township 2 north, range 2 east, sections 6 and 7; section 18, north half; southeast quarter.

Township 3 north, range 2 east, sections 18, 19, 30, and 31.

SEC. 3. There is hereby authorized to be appropriated not to exceed \$400,000 to carry out the purposes of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 23, 1962.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. COOLEY: There is pending before your committee H.R. 7195, a bill to add certain lands to the Wasatch National Forest, Utah, and for other purposes.

We recommend that the bill be enacted.

H.R. 7195 would add certain lands to the Wasatch National Forest in Utah to aid in the control of floods, the reduction of soil erosion, and to foster the management of such lands under principles of multiple use and sustained yield.

The records of our Bureau of Land Management indicate that there are approximately 2,366 acres of public lands described in the bill of which 960 acres are vacant public lands unreserved save for the general order of withdrawal,



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued April 25, 1962

For actions of April 23 and 24, 1962
87th-2d, Nos. 62 and 63

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HIGHLIGHTS: Senator Wiley criticized administration's dairy program.

SENATE - April 23

1. RESEARCH; NOMINATION. Confirmed the nomination of Dr. Emanuel R. Piore to be a member of the National Science Board, National Science Foundation. p. 6557
2. VOCATIONAL REHABILITATION. Received from HEW a proposed bill "to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in expansion of services and facilities provided under such programs, and for other purposes"; to Labor and Public Welfare Committee. p. 6558
3. PUBLIC BUILDINGS. Sen. Chavez inserted a listing of new public buildings and alterations to existing buildings approved by the Public Works Committee. pp. 6561-2

SENATE - April 24

4. FORESTRY. Received from this Department a proposed bill to provide authority for more efficient and effective administration of Forest Service programs,

including provisions as follows: Authorizes the Secretary of Agriculture to require deposits from purchasers of National Forest timber products for erosion control work. Authorizes the Secretary to exchange lands under the jurisdiction of the Forest Service for which no exchange authority now exists. Removes the 20-year limitation on the authority of the Secretary to revest in rightful owners by quitclaim deed title to lands under his administration acquired by mistake, etc. Authorizes the Secretary to provide (not to exceed \$35,000 annually) recreation facilities, equipment and services for certain employees of the Forest Service at isolated locations. Repeals the Forest Homestead Act which authorizes and directs the Secretary to classify National Forest lands chiefly valuable for agriculture for homestead entry. Repeals provisions of law which directs the Secretary "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in National Forests." Reduces the penalty for certain violations of regulations of the Secretary relating to the National Forests and National Grasslands to petty offenses. Increases from \$500 to a maximum of \$2500 the authorization to reimburse owners of private property for damage or destruction to their property caused by non-negligent action of Forest Service employees. Authorizes the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots. Removes the limitation on the amount of capitalization in the Forest Service working capital fund. Authorizes the Secretary to permit the production and use of natural steam on National Forest and other lands under the jurisdiction of the Forest Service. Referred to Agriculture and Forestry Committee. p. 6559

Sen. Wiley inserted his letter to constituents favoring establishment of an Ice Age National Park in Wisc., and urging greater protection of Wisc. forests against fires. pp. 6572-3

Sen. Gruening urged enactment of legislation to provide for the establishment in Interior of a Board of Public Lands Appeals "to protect homesteaders against arbitrary and capricious actions by employees in the Bureau of Land Management or the Geological Survey," and inserted an article on the subject. pp. 6576-9

5. YOUTH CONSERVATION CORPS. Received a Calif. Legislature resolution favoring enactment of legislation to provide for the establishment of a Youth Conservation Corps. p. 6570
6. PROPERTY. Sen. Sparkman expressed concern "about the legal and economic aspects of the acquisition of property for Federal or federally aided programs," and commended the House Select Subcommittee on Real Property Acquisition for undertaking a study of the general process of property acquisition for various Federal or federally aided programs. pp. 6573-6
7. PRINTING. Received from GAO an audit report on the Government Printing Office. p. 6569
8. APPROPRIATIONS. The proposed amendment to Interior Department's budget received on April 19 (see Digest 61, item 20) contains the following statement:
"This amendment to the budget is to provide facilities and services for the initiation of a pilot project to demonstrate the benefits which can be derived from increasing the productivity of depleted rangelands, and to accelerate improvements on other lands. The estimate is submitted at this time to carry forward recently completed plans for the intensive rehabilitation of the Vale grazing district in southeastern Oregon."
(S. Doc. 83)

May 1, 1962

of Federal programs, and said, "USDA career employees no longer have the right of obligation to promote Freeman's pending farm program or any other legislation still pending before Congress Now if those Department of Agriculture employees who have been engaging in lobbying activities throughout the country will devote their full time and energy to problems of the farmer and agriculture generally, it will represent a start in the right direction."
pp. 6900-1

4. FORESTRY. Received from this Department a proposed bill "to facilitate the work of the Forest Service"; to Agriculture Committee (p. 6912). See Digests 62 and 63 for a summary.
5. FOREST ROADS. Received from this Department a proposed bill "to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests"; to Agriculture Committee (p. 6912). See Digest 64 for a summary.
6. ELECTRIFICATION. Received from the Comptroller General a report on the audit of hydroelectric power and related activities of the Corps of Engineers and the Bureau of Reclamation in the Missouri River Basin project for 1959 and 1960. p. 6913
7. RESEARCH. Received from the President a report on Government contracting for research and development. p. 6913
8. CIVIL DEFENSE. Received from the Office of Emergency Planning the final annual report of the Office of Civil and Defense Mobilization. p. 6912
9. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 2008, to modify the authorization for construction of the Spokane Valley reclamation project (H. Rept. 1642), and H. R. 529, to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho (H. Rept. 1643). p. 6913
20. PUBLIC WORKS. The Judiciary Committee voted to report (but did not actually report) H. J. Res. 688, providing for the designation of the week commencing October 14, 1962, as "National Public Works Week." p. D324
Rep. Cramer criticized the President's proposal for a \$600 million capital improvements program and said, "If public works is an answer then the President only has to issue an order to accelerate the expenditure of available funds in presently authorized funds." pp. 6903-6
21. LEGISLATIVE PROGRAM. Rep. Rhodes, Ariz., inserted an "analysis of Presidential spending programs which I have termed 'a pattern for poverty,'" and a brief analysis of major policy messages of President Kennedy, 2d session, 87th Congress. pp. 6897-900

ITEMS IN APPENDIX

22. OPINION POLL. Extension of remarks of Rep. Schneebeli inserting results of an opinion poll, including agricultural programs. pp. A3162-3
23. PUBLIC WORKS; RECLAMATION. Extension of remarks of Rep. Ellsworth inserting two resolutions favoring the expanding of Federal public works programs. pp. A3163, A3181
Extension of remarks of Rep. Saylor inserting articles expressing views of residents who oppose the proposed Fryingpan-Arkansas project. p. A3209

24. EXPENDITURES. Extension of remarks of Rep. Alger inserting a table and stating that it shows that no citizen escapes the "burden of paying for the ever-increasing cost of the Federal Government." p. A3164
Extension of remarks of Rep. Wilson inserting an article, "To Cure Recession: U. S. Spending Not the Answer." pp. A3189-90
25. AMERICAN SAMOA. Extension of remarks of Rep. Aspinall favoring American citizenship for American Samoa and inserting an article on this subject. pp. A3169-70
26. FOREIGN TRADE. Extension of remarks of Rep. Rodino inserting an article, "Time For A Giant Step." pp. A3172-5
Extension of remarks of Rep. Ullman stating that the results of a recent poll indicate that businessmen favor the proposed tariff program by a more than 3-to-1 ratio and inserting an article on this subject. pp. A3182-4
27. RECREATION. Extension of remarks of Rep. Aspinall commending and inserting an article, "Recreation Realm: The U. S. Forest Service Braces for Record Season." pp. A3177-9
Extension of remarks of Rep. Reuss inserting an article supporting the proposed Ice Age National Scientific Reserve. pp. A3190-1
Extension of remarks of Rep. Saylor discussing the report of the Outdoor Recreation Resources Review Commission and urging support for the recreation resources and wilderness bills. pp. A3210-1
28. FARM PROGRAM. Rep. Findley inserted an article, "Loses Farm for not Obeying Allotments," discussing the auctioning of a farm in La. for settlement of a Government claim against a farmer for "\$16,972 for overplanting his 1959 rice acreage allotment." pp. A3185-6
Extension of remarks of Rep. Hoeven discussing a USDA release that "shows that the parity index reached another alltime high last month," and contending that "farm costs are continuing to rise." p. A3205,
29. FOOD MARKETING. Extension of remarks of Rep. Granahan discussing the efficiency of U. S. food-marketing methods and commending the "new Academy of Food Marketing which will open this fall on the campus of St. Joseph's College in Philadelphia ... for training specialists in this field." pp. A3214-5
30. PERSONNEL. Extension of remarks of Rep. Roudebush inserting an editorial, "Growing Payroll," critical of recent increases in Federal personnel. p. A3180
31. LAND-GRANT COLLEGES. Rep. McDowell inserted an article commending the establishment of the Land-Grant Colleges on the 100th anniversary. pp. A3205-6

BILLS INTRODUCED

32. PERSONNEL. S. 3232, by Sen. Humphrey, to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training; to Labor and Public Welfare Committee. Remarks of author. pp. 6804-5
H. R. 11506, by Rep. Bailey, to amend the Civil Service Retirement Act to provide for the adjustment of inequities; to Post Office and Civil Service Committee.
H. R. 11533, by Rep. McMillan, to amend section 503 of title 38, United States Code, to provide an exclusion from income thereunder for Civil Service

87TH CONGRESS
2D SESSION

S. 3235

IN THE SENATE OF THE UNITED STATES

MAY 2, 1962

MR. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

A BILL

To facilitate the work of the Forest Service, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That purchasers of national forest timber products may be
4 required by the Secretary of Agriculture to deposit the esti-
5 mated cost to the United States of erosion control work
6 necessitated by their operations, such deposits to be covered
7 into the Treasury and constitute a fund to be available for
8 such work until expended: *Provided*, That any deposits in
9 excess of the amount expended for such erosion control work
10 shall be transferred to miscellaneous receipts, national forests

1 fund, to be credited to the receipts of the year in which such
2 transfer is made.

3 SEC. 2. Where lands under the jurisdiction of the Forest
4 Service have been acquired and are being administered under
5 laws which contain no provision for their exchange, the
6 Secretary of Agriculture may convey such lands and in ex-
7 change therefor may accept on behalf of the United States
8 title to any lands which in his opinion are suitable for use in
9 connection with activities of the Forest Service. The value
10 of the lands so conveyed by the Secretary of Agriculture shall
11 not exceed the value of the lands accepted by him.

12 SEC. 3. The Act of July 8, 1943 (57 Stat. 388), as
13 amended (5 U.S.C. 567), is further amended by striking
14 out the words "within twenty years."

15 SEC. 4. Not to exceed \$35,000 annually of funds avail-
16 able to the Forest Service may be expended for providing
17 recreation facilities, equipment and services for use by em-
18 ployees of the Service located at isolated situations and,
19 where deemed to be in the public interest, by members of the
20 immediate families of such employees.

21 SEC. 5. The Act of June 11, 1906 (34 Stat. 233), as
22 amended and supplemented (16 U.S.C. 506-508, 509), is
23 hereby repealed.

24 SEC. 6. The provision of the Act of August 10, 1912
25 (37 Stat. 269, 287), which reads, "That the Secretary of

1 Agriculture, under such rules and regulations as he shall
2 establish, is hereby authorized and directed to sell at actual
3 cost, to homestead settlers and farmers, for their domestic
4 use, the mature, dead, and down timber in national forests,
5 but it is not the intent of this provision to restrict the author-
6 ity of the Secretary of Agriculture to permit the free use of
7 timber as provided in the Act of June fourth, eighteen
8 hundred and ninety-seven” is repealed.

9 SEC. 7. The Act of June 4, 1897 (30 Stat. 11, 35;
10 16 U.S.C. 551) , is amended by deleting from the second full
11 paragraph on page 35 the portion thereof reading “as is pro-
12 vided for in the Act of June fourth, eighteen hundred and
13 eighty-eight, amending section fifty-three hundred and
14 eighty-eight of the Revised Statutes of the United States”
15 and inserting in lieu thereof “by a fine of not more than \$500
16 or imprisonment for not more than six months, or both.”

17 Section 32 (f) of the Act of July 22, 1937 (50 Stat.
18 526; 7 U.S.C. 1011 (f)), is amended to make the last
19 sentence thereof read as follows: “Any violation of such
20 rules and regulations shall be punished by a fine of not more
21 than \$500 or imprisonment for not more than six months,
22 or both.”

23 SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat.
24 387; 16 U.S.C. 574) , is amended by changing the amount
25 in the proviso from \$500 to \$2,500.

1 SEC. 9. Funds available to the Forest Service shall be
2 available for expenses of, or payment of assessment for,
3 construction of sidewalks, curbs, or street paving along the
4 boundary of Government-owned residential or otherwise im-
5 proved lots.

6 SEC. 10. Section 13 of the Department of Agriculture
7 Organic Act of 1956 (70 Stat. 1034; 16 U.S.C. 579b), is
8 hereby amended by deleting from the second sentence there-
9 of the comma after the word "assets" and the words "but
10 such capitalization shall not exceed \$25,000,000."

11 SEC. 11. The Secretary of Agriculture is authorized,
12 under such regulations as he may prescribe, to issue permits
13 for terms not in excess of fifty years, for the production of
14 natural steam from national forest or other lands under the
15 jurisdiction of the Forest Service, and for the utilization of
16 such steam on such land or for removal of it therefrom, and
17 for the use and occupation of so much of such land as may be
18 needed for such purposes.

A BILL

To facilitate the work of the Forest Service,
and for other purposes.

By Mr. ELLENDER

MAY 2, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

87TH CONGRESS
2D SESSION

H. R. 12434

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1962

Mr. GRANT introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To facilitate the work of the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That purchasers of national forest timber products may be
4 required by the Secretary of Agriculture to deposit the esti-
5 mated cost to the United States of erosion control work
6 necessitated by their operations, such deposits to be cov-
7 ered into the Treasury and constitute a fund to be available
8 for such work until expended: *Provided*, That any deposits
9 in excess of the amount expended for such erosion control
10 work shall be transferred to miscellaneous receipts, national

1 forests fund, to be credited to the receipts of the year in
2 which such transfer is made.

3 SEC. 2. Where lands under the jurisdiction of the Forest
4 Service have been acquired and are being administered under
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6 Secretary of Agriculture may convey such lands and in ex-
7 change therefor may accept on behalf of the United
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15 SEC. 4. Not to exceed \$35,000 annually of funds avail-
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6 but it is not the intent of this provision to restrict the author-
7 ity of the Secretary of Agriculture to permit the free use
8 of timber as provided in the Act of June fourth, eighteen
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16 and inserting in lieu thereof "by a fine of not more than
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18 both."

19 Section 32 (f) of the Act of July 22, 1937 (50 Stat.
20 526; 7 U.S.C. 1011 (f)) is amended to make the last
21 sentence thereof read as follows: "Any violation of such
22 rules and regulations shall be punished by a fine of not
23 more than \$500 or imprisonment for not more than six
24 months, or both."

1 SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat.
2 387; 16 U.S.C. 574) is amended by changing the amount
3 in the proviso from \$500 to \$2,500.

4 SEC. 9. Funds available to the Forest Service shall be
5 available for expenses of, or payment of assessment for,
6 construction of sidewalks, curbs, or street paving along the
7 boundary of Government-owned residential or otherwise
8 improved lots.

9 SEC. 10. Section 13 of the Department of Agriculture
10 Organic Act of 1956 (70 Stat. 1034; 15 U.S.C. 579b)
11 is hereby amended by deleting from the second sentence
12 thereof the comma after the word "assets" and the words
13 "but such capitalization shall not exceed \$25,000,000."

14 SEC. 11. The Secretary of Agriculture is authorized
15 under such regulations as he may prescribe, to issue permits
16 for terms not in excess of fifty years, for the production of
17 natural steam from National Forest or other lands under
18 the jurisdiction of the Forest Service, and for the utilization
19 of such steam on such land or for removal of it therefrom,
20 and for the use and occupation of so much of such land as
21 may be needed for such purposes.

87TH CONGRESS
2^D Session

H. R. 12434

A BILL

To facilitate the work of the Forest Service,
and for other purposes.

By Mr. GRANT

JULY 9, 1962

Referred to the Committee on Agriculture

Digest 1, 1962

11. TERRITORIES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. 2429, to revise the boundaries of the Virgin Islands National Park, St. John, V. I. p. D667
12. MIGRANT WORKERS. Rep. Olsen discussed the problem of education of the children of migrant workers, and said, "If there ever was a cause or reason for Federal funds for education, it is for a program of education of children of agricultural migrant workers." pp. 14326-7
13. FOREIGN AID. Rep. Curtis, Mo., inserted an article by Dr. Hans Morgenthau, "A Political Theory of Foreign Aid." pp. 14332-6

SENATE

14. FARM PROGRAM. Sen. Mansfield stated that the farm bill will not be considered for several days and that the policy committee will probably consider at its meeting next Tues. when to schedule it for debate. p. 14190
Sen. Cooper expressed opposition to including a mandatory feed-grain control program in the farm bill and stated that if the Administration insists on such a program "it will deliberately choose to have no farm bill." p. 14200
Sen. Proxmire expressed opposition to including a mandatory feed-grain control program in the farm bill and urged passage of the bill as reported by the Senate Agriculture and Forestry Committee. pp. 14261-2
15. WHEAT. The Agriculture and Forestry Committee voted to report S. 3574, to extend authority granted under the International Wheat Agreement Act to cover any new or revised wheat agreement. p. D664
Sen. Carlson inserted a Disabled American Veterans resolution opposing shipment of wheat to Communist China. p. 14192
16. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 10802, and acted on the amendment in disagreement (relating to Indian claims)(pp. 14252-5). This bill will now be sent to the President. See Digest 129 for a summary of Forest Service items.
17. FORESTRY. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 3235, to provide authority for more efficient and effective administration of Forest Service programs (p. D664). See Digest 62-63 for provisions of this proposal as submitted by this Department.
The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) S. 3117, to promote the coordination and development of Federal and State outdoor recreation programs. p. D665
The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) S. 1878, to add certain lands to the Wasatch National Forest, Utah. p. D666
18. TREASURY-POST OFFICE APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 10526. This bill will now be sent to the President. pp. 14238-43
19. DEFENSE DEPARTMENT APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 11289. This bill will now be sent to the President. pp. 14243-14251
20. RECLAMATION. The Agriculture and Forestry Committee voted to report with amendment (but did not actually report) H. R. 8520, to limit Federal financial and technical assistance for the drainage of certain wetlands. p. D664

The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 103, with amendment, to authorize construction of the Auburn-Folsom south unit, American River division, Central Valley project, Calif., and S. 892, with amendment, to authorize construction of the Arbuckle reclamation project, Okla. p. D666

The "Daily Digest" states that the Interior and Insular Affairs Committee "adopted a committee resolution requesting the Secretary of the Interior to initiate a study on Federal policies regarding limitations on delivery of water from Federal projects to lands for irrigation purposes in excess of a specific or limited number of acres in individual or family ownership." p. D666

21. PUBLIC LANDS. The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) H. R. 8134, to authorize the sale of the mineral estate in certain lands. p. D665
22. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: South Sumter and Upper Tampa Bay, Fla.; North Branch Mill Creek Mich.; Nanticoke Creek, N. Y.; Dicks Creek-Little Muddy Creek, O.; Line Creek, Tenn. and Ky.; Kent Creek, Tex.; Bajura, P.R.; and Davis-Battle Creek, Iowa. p. D664
23. FARM LABOR. Sens. Williams, N. J., and Humphrey expressed concern over the welfare of migratory farm workers and inserted several items on the matter. pp. 14207-8, 14218-9
24. HOUSING. The 15th Annual Report of the Housing and Home Finance Agency was received from the President and referred to the Committee on Banking and Currency. p. 14189
25. NOMINATION. The nomination of John Baker as Assistant Secretary of Agriculture and as a member of the Board of Directors of the Commodity Credit Corporation was confirmed without objection. p. 14191
26. PERSONNEL. Proposed legislation to amend the Retired Federal Employees Health Benefits Act with respect to Government contributions for expenses incurred in administration of the Act was received from the U. S. Civil Service Commission and referred to the Committee on Post Office and Civil Service. p. 14191.
27. TRANSPORTATION. Sen. Carlson inserted resolutions opposing the recommendations of the Presidential Railroad Commission and supporting S. 3243, railroad legislation pending in the Commerce Committee.
The Commerce Committee reported without amendment H. R. 11643, to amend the Interstate Commerce Act so that the users of motor-water services between Alaska or Hawaii and the other 48 States may have the same benefits of through routes and joint rates which are enjoyed by users of motor-water services among the other 48 States, and by users of rail-water services or any combination of service with air services among all of the 50 States (S. Rept. 1799). p. 14194
28. CONTRACTS. The Committee on Interior and Insular Affairs reported without amendment H. R. 11405, to provide for maintenance and repair of Government improvements under concession contracts in the National Parks (S. Rept. 1802). / p. 14194
29. ELECTRIFICATION. Sen. Goldwater submitted amendments intended to be proposed to S. 3153, to guarantee Pacific Northwest consumers first call on electricity generated at Federal plants in that region. p. 14196

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 3, 1962
For actions of August 2, 1962
87th-2d, No. 134

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HIGHLIGHTS: Sen. Proxmire commended present feed grains program. Senate committee reported bills to extend International Wheat Agreement and to facilitate work of Forest Service. Senate committee voted to report bill to aid domestic lumber industry. Senate committee voted to report bill for retirement credit for certain Federal-State cooperative service. Sen. Hruska criticized increased fees of European Common Market on farm imports. Sens. Bush and Muskie submitted amendments to be proposed to foreign trade bill. Sen. Proxmire expressed concern over decrease in farm income. Sen. Hickenlooper inserted Sen. Mundt's radio interview remarks on Estes case. Senate agreed to conference report on Labor-HEW appropriation bill. House committee voted to report pay bill. House subcommittee voted to report bill to provide for nutritional enrichment of rice.

HOUSE

1. **RICE.** The Subcommittee on Oil Seeds and Rice of the Agriculture Committee voted to report to the full committee S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under the national school lunch program and other domestic distribution and welfare-type programs. p. D674
2. **PERSONNEL; PAY.** The "Daily Digest" states that the Post Office and Civil Service Committee "Met in executive session and ordered reported favorably to the House H. R. 9531 (Morrison amendment), to provide for improvement in the statutory salary systems of the Federal Government; to adopt and apply the principle of Government-private enterprise salary comparability." p. D675

3. CONGRESSIONAL RECORD. Agreed to without amendment H. Con. Res. 497, authorizing the Joint Committee on Printing to conduct a study of the Congressional Record with a view to improving its format, index, typography, etc. (pp. 14346-7). Earlier, the House Administration Committee reported this resolution without amendment (H. Rept. 2119). p. 14360
4. VETERANS. The Veterans Affairs Committee reported with amendment H. R. 9962, to provide an extension of the period within which certain educational programs must be begun and completed in the case of persons called to active duty during the Berlin crisis (H. Rept. 2130). p. 14360
5. QUALITY STABILIZATION. The Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee voted to report to the full committee with amendment H. J. Res. 636, to amend the Federal Trade Commission Act so as to promote quality and price stabilization. p. D675
6. LEGISLATIVE PROGRAM. Rep. Albert announced the following legislative program: Mon., the Consent Calendar will be called and the following bills will be considered under suspension of the rules; H. R. 4055, science monetary award medals; H. R. 12688, authorize forestry research; H. R. 9728, increased appropriation, Cooperative Forest Management Act; and S. 3064, Forests, national survey. p. 14348
7. ADJOURNED until Mon., Aug. 6. p. 14360

SENATE

8. AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 14364
 - ~~S. 3574, without amendment, to extend the authority granted under the International Wheat Agreement Act to cover any new or revised wheat agreement (S. Rept. 1804).~~
 - S. 3235, without amendment, to facilitate the work of the Forest Service (S. Rept. 1803). See Digest 62-63 for summary of provisions of this bill.
 - H. R. 8520, with amendments, to limit Federal financial and technical assistance for the drainage of certain wetlands (S. Rept. 1805).
9. FORESTRY. The Commerce Committee voted to report with amendment (but did not actually report) S. 3517, to authorize the Secretary of Commerce to establish and carry out a program to promote the flow of domestically produced lumber in commerce, and "an original bill to encourage the movement of lumber in interstate commerce (introduced in lieu of S. 2737 and S. 3105)." p. D672
10. POST OFFICE AND CIVIL SERVICE COMMITTEE voted to report (but did not actually report) the following bills: p. D673
 - S. 2363, to allow civil service retirement credit to certain Federal employees for service in certain Federal-State cooperative programs.
 - S. 3164, with amendment, to increase from 18 to 21 the eligibility age of surviving children to receive benefits of Civil Service Retirement Act.
 - S. 2937, with amendment, to amend the Civil Service Retirement Act so as to provide for increases in certain annuities, eliminate the option with respect to certain survivor annuities, etc.
 - H. R. 8564, to provide for the escheat of unclaimed payments under the Government life insurance program to the credit of the life insurance fund.
11. PERSONNEL; PAY. Received from the Joint Committee on Reduction of Nonessential Federal Expenditures the report on Federal employment and pay for June. pp. 14364-9

FOREST SERVICE

AUGUST 2, 1962.—Ordered to be printed

[Mr. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 3235]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3235), to facilitate the work of the Forest Service, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill provides a number of authorities requested by the Department of Agriculture to assist in carrying out the work of the Forest Service. It would—

(1) Authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work;

(2) Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists;

(3) Remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence;

(4) Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service;

(5) Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied

for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry;

(6) Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests";

(7) Reduce the penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense;

(8) Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests;

(9) Authorize the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots;

(10) Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund;

(11) Authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

SECTION-BY-SECTION EXPLANATION

Section 1. This section authorizes the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work.

Logging operations and other operations for the harvesting and removal of national forest timber products are a recognized cause of soil erosion. Contracts for the sale of timber may contain provisions to prevent improper practices which might lead to undue soil erosion. Such contracts may also require the purchaser to take steps to minimize the impacts of logging and other operations which may lead to soil erosion. These include seeding grasses; constructing barriers to waterflow in temporary truck roads, tractor roads, and log-skidding roads; and removing debris from natural drainage channels. The cost of soil erosion prevention work is estimated and allowed as an operating cost in appraising the timber or other products for sale. In order for some of the erosion control measures to be fully effective the maintenance of erosion control structures must be continued for several years after completion of the logging or other operations and until the disturbed areas become stabilized. However, it is not practicable or desirable to keep the sale contract in effect during the postsale stabilization period.

Under present authority purchasers may voluntarily deposit funds and let the Forest Service perform the work. This enables the work to be completed after the sale is closed. However, unless the purchaser elects to make deposits, there is no practicable means to have the purchaser perform the postsale stabilization work.

Authority to require purchasers to make deposits into a fund for erosion control work would assure the effective completion of such work and particularly the part that needs to be accomplished after the sale is closed.

Inasmuch as the estimated cost of doing the erosion control work is allowed as an operating cost in the appraisal, any excess of such required deposits over and above the actual cost of doing the work should be transferred to the national forests fund.

Section 2. This section authorizes the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists.

The Forest Service has many tracts of land largely located outside of national forest boundaries which have been acquired under the act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 555) as amended by section 13 of the act of April 24, 1950 (64 Stat. 82) and several emergency relief acts of the 1930's. These lands are not exchangeable under present laws. Due to the pattern of settlement and development or to changing administrative and resource management needs, development of some of these tracts is not necessary or desirable although a site in another location may be badly needed. Opportunities arise to exchange these lands for tracts better suited for administrative use or for private lands within the national forests suitable for national forest purposes. Eight special laws have been enacted since 1949 authorizing exchange of such tracts. Additional cases are expected to develop. General authority for the Secretary of Agriculture to exchange these lands will avoid the cost and work involved in enacting special legislation to consummate each individual exchange.

Section 3. This section removes the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence.

The Department, has acquired large acreages of land for national forests, land utilization and conservation projects, and other purposes. A large part of these acquisitions were made during and since the 1930's. Despite the care that was taken, typographical error, erroneous surveys, and mistakes in abstracting resulted in certain cases in the Government acquiring title or color of title it did not intend to take. The 1943 act permits the Secretary of Agriculture to make title adjustments in these cases. A 10-year limitation from the date of acquisition was originally imposed by the act. In many cases, the need to make such adjustments did not become known until after the 10-year period had expired. To permit action on these additional cases, Congress increased the time limit to 20 years by an amendment in 1952 (66 Stat. 11).

In the light of the then existing conditions, it was thought that most cases requiring such title adjustments would develop and be cleared within the authorized 20-year period because the major acquisition programs were conducted in the 1930's and 1940's. Since 1952, title adjustments have been made in 206 cases involving 2,428 acres. Of these, 139 cases involving 1,478 acres have been developed and closed within the last 5 fiscal years.

Over 100 cases have been found in which title adjustments should be made but in which action is barred because the 20-year period has expired. It is known that this number will be increased materially as national forest landline survey and marking programs progress, and more intensive utilization of national forest lands is established. In addition to the accelerated program of landline location, surveys in connection with road construction and timber sale projects are disclosing claims to and disputes over landownership that have not heretofore developed because adjoining landowners have had no occasion to question the location of their property lines or those of the Government. In some of these disputes, it probably will develop that title adjustments are necessary.

To facilitate equitable and prompt adjustment of these cases when they arise, with due regard for the interests of the claimant and the Government, the Secretary of Agriculture should have authority to make such adjustments as are found justified regardless of the lapse of time between acquisition of a tract by the Government and discovery of the error.

Section 4. This section authorizes the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service.

In the protection and management of the national forests, the Forest Service maintains many permanent and temporary work centers which employ from 10 to 150 employees each. The work centers are generally isolated from established recreation facilities by distance, lack of transportation, or because of job requirements which restrict employees to the work center area during normal recreation periods. The authority would permit the Forest Service to provide minimum recreation facilities and opportunity for its employees consistent with the degree of isolation and permanence of the individual work centers. At temporary work centers or tent camps recreation equipment would be limited to the kind which would require inexpensive facilities for use, such as softball, volleyball, badminton, and horse-shoes. In addition, a recreation tent, or room would be provided. It would be equipped with small games such as chess and checkers, writing facilities, a few selected books and quality magazines, and radio and television if electricity is available.

At permanent work centers all of the above equipment and facilities would normally be provided plus a modest combination tennis, volleyball, badminton, basketball court, and an improved softball field.

Transportation for recreation trips for isolated crews and for families in isolated places such as Alaska would be provided.

The benefits to employee morale, safety, physical condition, and work production have long been recognized by the armed services and private industry. In recognition of the worth of these benefits the armed services and leading private industry have provided recreation equipment, facilities, and services for their people. The isolated situation of some Forest Service work centers may closely parallel that of a military base on a Pacific island.

Of the 31,000 peak season Forest Service employees it is estimated about 6,000 of the temporary or seasonal employees work in isolated situations that need provisions for recreation. A large percentage of these employees are young men just out of high school or college students. For many, this is their first real job and their first time away from home. An essential measure in developing and maintaining high morale and work performance is to channel their energies during leisure hours into healthful recreation pursuits. A small investment in their safety and physical condition will yield higher morale and increased work performance for the Forest Service today and to the Nation tomorrow.

Section 5. This section repeals the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.

The Forest Homestead Act was enacted in response to public demand that reserved public domain lands suitable for farming in the national forests be made available for homesteading. In response to the act, the national forests were systematically examined, largely from 1906 to 1919, and lands having possibilities for agricultural use so classified and listed. Some 21,000 tracts covering 2 million acres were listed. Some listed lands subsequently were found clearly not suited to agriculture and were withdrawn, but the majority were entered and patented. During the same period, areas embracing over 29 million acres were eliminated from the national forests, thus making the public lands within their areas available for entry under other appropriate laws if suitable. There now remain no lands listed for homestead entry in the national forests, except a small acreage in Alaska which has remained unentered for years.

Lands listable under the June 11, 1906, act criteria have been made available and patented. The Forest Homestead Act has served its purpose and its continuance is unnecessary. Its continued existence however leads to occasional demands for classification of lands by people who desire to obtain national forest lands for private use. These requests must be investigated in detail, with consequent cost in time and money. Repeal of the law therefore is recommended.

Section 6. This section repeals the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests."

The provision was enacted at a time of relatively low economic activity contrasted to the present, and it was a time when the Government was seeking to encourage settlement of the West. National forest timber made available by this means helped homesteaders and settlers get established. Other markets and uses for the timber were very limited, and in many localities totally nonexistent.

Circumstances warranting the provision are now largely eliminated. The West is no longer an undeveloped agricultural frontier. Modern farming calls for the use of processed forest products in specialty form now readily available on the market. Sharp competition for national forest timber has now developed and it is both impracticable and costly to administer the provision as originally intended. It is increasingly difficult to distinguish between qualified settlers or farmers

and such people as dude ranchers, summer home residents, and suburban gardeners. There is uncertainty as to whether corporations and associations qualify. The Government is placed in the position of assuring that timber so sold is used for "domestic" purposes.

Elimination of the provision would not affect the discretionary authority of the Secretary to permit free use of national forest timber by bona fide settlers, miners, residents, and prospectors for firewood, fencing, buildings, mining, prospecting, and other domestic purposes.

Section 7. This section reduces the penalty for violation of regulations of the Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense.

At the present time, violations of the rules and regulations of the Secretary of Agriculture with respect to the use and occupancy of the national forests and national grasslands are punishable by a fine of not more than \$500 or imprisonment for not more than 1 year, or both. The Federal Government has proprietary jurisdiction over the national forests and national grasslands. U.S. commissioners, under certain circumstances, may try and sentence persons committing petty offenses in places over which the United States has exclusive or concurrent jurisdiction.

There is now before the Congress legislation which would authorize U.S. commissioners specially designated for that purpose to try and sentence persons committing petty offenses in any place over which the United States has any form of jurisdiction.

Experience has shown that enforcement of the regulations for the protection and occupancy of the national forests and national grasslands would be greatly facilitated if the persons violating such regulations could be taken before U.S. commissioners for trial and sentence, rather than having them tried in the U.S. district courts, whose dockets are already overcrowded with other matters.

A petty offense is defined as one for which the penalty is not to exceed 6 months' imprisonment or a fine of not more than \$500, or both. Thus, it is necessary that the penalty for violations of the rules and regulations of the Secretary with respect to the national forests and national grasslands be reduced to make such violations a petty offense if the legislation to enlarge the jurisdiction of U.S. commissioners is to be of benefit in the administration of the national forests and national grasslands.

Section 8. This section increases from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests.

The Secretary of Agriculture has authority under the 1930 act to reimburse owners of property for damages up to \$500 caused by employees of the United States in connection with the protection, administration, or improvement of the national forests. This authority has no application to damage caused through negligence. Values of real and personal property have increased considerably since the enactment of the reimbursement authority in 1930. Likewise, the costs of labor and materials for repair of damages to property have increased to several times the costs in 1930. The Congress has recognized these increased values and costs in the Tort Claims Act of June 25, 1948, as amended (62 Stat. 982), and the act of

January 31, 1931, as amended (16 U.S.C. 502) by increasing the dollar limitation on settlement authorization to \$2,500 on agreements not in writing. While the majority of claims arising from damage to private property are handled under these two acts, each year we have several claims to process under the Non-Negligence Claims Act of May 27, 1930. It is important that this act be amended to be consistent with the settlement authorization limitations of other acts and to facilitate prompt settlement of claims for payment of damages involving nonnegligent action.

Section 9. This section authorizes the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots.

In recent years the Forest Service has been constructing annually from 75 to 100 dwellings for key personnel. Many of these units are being constructed in towns and cities on individual lots purchased by the Government. Selected lots for such purposes are usually located in scattered, individual locations throughout residential areas of towns and cities where sidewalks, curbs, and street paving are normally installed in front of all lots. These improvements generally are built by the city and financed by assessment of adjoining owners. There is no present authority for the Federal Government to pay its share of the costs. As a result we have residences in many towns where these improvements are installed in front of all lots on a street except the one held by the Forest Service. This results in short gaps in street paving, sidewalks, and curbs that are unsightly and detract from the neighborhood. In other instances the Federal Government's normal share of the costs is borne by the other property owners.

The authority to meet this problem will permit the Forest Service to redeem its civic duty as any property owner or "neighbor" would be expected to do—to improve its property in line with other property on the street or block and to bear its proper share of improvements that directly benefit its property. The proper share to be paid by the Forest Service would be proportionate to the amounts required to be paid by others with respect to their property, and no greater.

Section 10. This section removes from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund.

The working capital fund is a revolving fund set up to furnish equipment and supply services to Forest Service programs. Program expansion requiring increases in motorized equipment such as trucks, tractors, graders, air fleets, and expansions and additions of tree nurseries consequently requires increased capitalization in this fund. Measured in terms of appropriations, program expansion in the past 5 years has been more than 60 percent. Capitalization in the working capital fund necessarily has increased accordingly to take care of this expansion. Projections indicate that total capitalization resulting from program expansion will soon approach the point where it cannot remain within the present \$25 million limitation.

The fund was originally established to provide a practicable method of financing and accounting for the various Service operations that are necessary to serve concurrently the program of fire protection, timber utilization, construction and maintenance of roads, and other improvements, reforestation, watershed, forest research, and other conservation activities of the Forest Service. It facilitates the work of the

Forest Service by providing an orderly method of distributing costs of these Service operations equitably between the various programs.

Since the working capital fund is a facilitating device in connection with equipment and supply services, the amount of capitalization in the fund is almost wholly dependent upon the size of the Forest Service programs. Control over the size of such programs is exercised through the appropriation process. This in effect provides control on the size of the working capital fund.

Elimination of the capitalization limitation would permit the Forest Service to capitalize and operate under the working capital fund additional equipment purchased from appropriated funds, or obtained from surplus Government sources at no cost as the needs of expanded programs dictate.

Section 11. This section authorizes the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

The Secretary of Agriculture does not now have the authority to permit the production and use of natural steam from national forest or other land under the jurisdiction of the Forest Service. Natural steam is not subject to disposition under the mineral leasing laws.

The Forest Service has been requested to grant permission to drill for natural steam to be used in the generation of electric power for commercial or industrial use. The prospective applicant has been operating a pilot plant which utilizes steam produced from private land in the vicinity of the proposed permit area.

Development and utilization of this resource, under such terms and conditions as are found necessary, would be consistent with resource management of lands under the jurisdiction of the Forest Service. The applicant is unwilling to make the necessary investments without securing adequate protection of tenure.

The steam would be produced and used by permittees under this authority. This section gives the Forest Service no power it does not now have to engage in the production of power.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 20, 1962.

HON. LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill, to facilitate the work of the Forest Service, and for other purposes.

This Department recommends enactment of the draft bill.

The draft bill would provide authority which we believe is needed to more efficiently and effectively administer Forest Service programs. The several sections of the bill are independent and each would provide specific authority which would facilitate the administration of Forest Service programs.

The draft bill would—

- (1) Authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work;

(2) Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists;

(3) Remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence;

(4) Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service;

(5) Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry;

(6) Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests";

(7) Reduce the penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense;

(8) Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests;

(9) Authorize the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots;

(10) Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund;

(11) Authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

Attached to the draft bill are statements explaining the purposes of each of the sections in the draft bill.

A similar letter is being sent to the Speaker of the House.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress for its consideration.

Sincerely yours,

ORVILLE L. FREEMAN.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JULY 8, 1943

An Act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Secretary of Agriculture shall find [within twenty years] after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however*, That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

[FOREST HOMESTEAD ACT (16 U.S.C. 506-508, 509)]

[An Act to provide for the entry of agricultural lands within forest reserves]

[§ 506. The Secretary of Agriculture is authorized, in his discretion, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary national forests except in the counties of San Luis Obispo and Santa Barbara, in the State of California, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to such national forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and sections 506-508 and 509 of this title.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated. Any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January 1, 1906, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry. Any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of sections 506—508 and 509 of this title shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the Secretary of the Interior or such officer as he may designate showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the officer designated by the Secretary of the Interior of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of said sections shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. No land listed under the aforesaid sections shall pass from the forest until patent issues.

§ 507. Settlers upon lands chiefly valuable for agriculture within national forests on January 1, 1906, who had on that date exercised or lost their homestead privilege, but were otherwise competent to enter lands under the homestead laws, are granted an additional homestead right of entry for the purposes of sections 506—509 of this title only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay \$2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

§ 508. All entries under sections 506—508 and 509 of this title in the Black Hills National Forest shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said national forest for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills National Forest under said sections shall vest in the patentee any riparian rights to any stream or streams of flowing water within said forest;

and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

【§ 509. Nothing contained within sections 506—508 of this title shall be held to authorize any future settlement on any lands within national forests until such lands have been opened to settlement as provided in said sections, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a national forest.】

ACT OF AUGUST 10, 1912 (37 STAT. 269, 287)

(An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913)

* * * * *

【That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven.】

ACT OF JUNE 4, 1897 (30 STAT. 11, 35; 16 U.S.C. 551)

§ 551. The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of sections 473—482 of this title or such rules and regulations shall be punished **【as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States】** *by a fine of not more than \$500 or imprisonment for not more than six months, or both.*

THE BANKHEAD-JONES FARM TENANT ACT

* * * * *

SEC. 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

SEC. 32. To effectuate the program provided for in section 31 of this title, the Secretary is authorized—

(a) to acquire by purchase, gift, or devise, or by transfer from any agency of the United States or from any State, territory, or political subdivision, submarginal land and land not primarily suitable for cultivation, and interests in and options on such land. Such property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Secretary determines will not interfere with the utilization of such property for the purposes of this title;

(b) to protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use;

(c) to sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary finds that such exchange would not conflict with the purposes of this title, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies;

(d) with respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable;

(e) to cooperate with Federal, State, territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities;

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of said sections. Any violation of such rules and regulations shall be punished [as prescribed in section 104 of Title 18.] *by a fine of not more than \$500 or imprisonment for not more than six months, or both.*

ACT OF MAY 27, 1930 (46 STAT. 387; 16 U.S.C. 574)

* * * * *

SEC. 2. The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of **[\$500]** \$2,500 shall be made on any such claim.

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1956

* * * * *

SEC. 13. There is hereby established a working capital fund which shall be available without fiscal year limitation for expenses necessary, including the purchase or construction of buildings and improvements within the limitations thereon set forth in the appropriations for the Forest Service, for furnishing supply and equipment services in support of programs of the Forest Service. The Secretary of Agriculture is authorized to transfer to the fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such receivables, inventories, equipment, and other assets as he may determine, and assume the liabilities in connection with such assets**[**, but such capitalization shall not exceed \$25,000,000**]**: *Provided*, That the fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.

○

Calendar No. 1760

87TH CONGRESS
2D SESSION

S. 3235

[Report No. 1803]

IN THE SENATE OF THE UNITED STATES

MAY 2, 1962

Mr. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

AUGUST 2, 1962

Reported by Mr. ELLENDER, without amendment

A BILL

To facilitate the work of the Forest Service, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That purchasers of national forest timber products may be
4 required by the Secretary of Agriculture to deposit the esti-
5 mated cost to the United States of erosion control work
6 necessitated by their operations, such deposits to be covered
7 into the Treasury and constitute a fund to be available for
8 such work until expended: *Provided*, That any deposits in
9 excess of the amount expended for such erosion control work
10 shall be transferred to miscellaneous receipts, national forests

1 fund, to be credited to the receipts of the year in which such
2 transfer is made.

3 SEC. 2. Where lands under the jurisdiction of the Forest
4 Service have been acquired and are being administered under
5 laws which contain no provision for their exchange, the
6 Secretary of Agriculture may convey such lands and in ex-
7 change therefor may accept on behalf of the United States
8 title to any lands which in his opinion are suitable for use in
9 connection with activities of the Forest Service. The value
10 of the lands so conveyed by the Secretary of Agriculture shall
11 not exceed the value of the lands accepted by him.

12 SEC. 3. The Act of July 8, 1943 (57 Stat. 388), as
13 amended (5 U.S.C. 567), is further amended by striking
14 out the words "within twenty years."

15 SEC. 4. Not to exceed \$35,000 annually of funds avail-
16 able to the Forest Service may be expended for providing
17 recreation facilities, equipment and services for use by em-
18 ployees of the Service located at isolated situations and,
19 where deemed to be in the public interest, by members of the
20 immediate families of such employees.

21 SEC. 5. The Act of June 11, 1906 (34 Stat. 233), as
22 amended and supplemented (16 U.S.C. 506-508, 509), is
23 hereby repealed.

24 SEC. 6. The provision of the Act of August 10, 1912
25 (37 Stat. 269, 287), which reads, "That the Secretary of

1 Agriculture, under such rules and regulations as he shall
2 establish, is hereby authorized and directed to sell at actual
3 cost, to homestead settlers and farmers, for their domestic
4 use, the mature, dead, and down timber in national forests,
5 but it is not the intent of this provision to restrict the author-
6 ity of the Secretary of Agriculture to permit the free use of
7 timber as provided in the Act of June fourth, eighteen
8 hundred and ninety-seven” is repealed.

9 SEC. 7. The Act of June 4, 1897 (30 Stat. 11, 35;
10 16 U.S.C. 551), is amended by deleting from second full
11 paragraph on page 35 the portion thereof reading “as is pro-
12 vided for in the Act of June fourth, eighteen hundred and
13 eighty-eight, amending section fifty-three hundred and
14 eighty-eight of the Revised Statutes of the United States”
15 and inserting in lieu thereof “by a fine of not more than \$500
16 or imprisonment for not more than six months, or both.”

17 Section 32 (f) of the Act of July 22, 1937 (50 Stat.
18 526; 7 U.S.C. 1011(f)), is amended to make the last
19 sentence thereof read as follows: “Any violation of such
20 rules and regulations shall be punished by a fine of not more
21 than \$500 or imprisonment for not more than six months,
22 or both.”

23 SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat.
24 387; 16 U.S.C. 574), is amended by changing the amount
25 in the proviso from \$500 to \$2,500.

1 SEC. 9. Funds available to the Forest Service shall be
2 available for expenses of, or payment of assessment for,
3 construction of sidewalks, curbs, or street paving along the
4 boundary of Government-owned residential or otherwise im-
5 proved lots.

6 SEC. 10. Section 13 of the Department of Agriculture
7 Organic Act of 1956 (70 Stat. 1034; 16 U.S.C. 579b), is
8 hereby amended by deleting from the second sentence there-
9 of the comma after the word "assets" and the words "but
10 such capitalization shall not exceed \$25,000,000."

11 SEC. 11. The Secretary of Agriculture is authorized,
12 under such regulations as he may prescribe, to issue permits
13 for terms not in excess of fifty years, for the production of
14 mutual steam from national forest or other lands under the
15 jurisdiction of the Forest Service, and for the utilization of
16 such steam on such land or for removal of it therefrom, and
17 for the use and occupation of so much of such land as may be
18 needed for such purposes.

87TH CONGRESS
2^D SESSION

S. 3235

[Report No. 1803]

A BILL

To facilitate the work of the Forest Service,
and for other purposes.

By Mr. ELLENDER

MAY 2, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 2, 1962

Reported without amendment

August 8, 1962

Committee and assigned to the Banking and Currency Committee. Sen. Jordan, Idaho, was assigned to the Interior and Insular Affairs and Labor and Public Welfare Committees. p. 14920

14. PASSED OVER the following bills:

- S. 3235, to facilitate the work of the Forest Service. p. 14932
- H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. p. 14935
- H. R. 6413, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. p. 14944

HOUSE

- 15. FARM PROGRAM. Rep. Johnson, Wis., criticized the CED report saying it is a "callous proposal to drive 2 million farm families off the land and into the cities during the next 5 years," and inserted statements of several farm organization representatives opposing the report. pp. 14856-62
- 16. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following bills:
 - S. 1023, to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Ore.;
 - H. R. 7811, to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;
 - H. R. 2796 (amended), to provide for the renewal of certain long-term water supply contracts under the Reclamation Project Act;
 - S. 2179, to make additional provision for irrigation blocks;
 - S. 1060 (amended), to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Wash. p. D700
- 17. TENNESSEE VALLEY AUTHORITY. The Government Operations Committee issued a report, "Tennessee Valley Authority Urgent Purchases" (H. Rept. 2152). p. 14872
- 18. MEDALS. By a vote of 193 to 177, failed to pass under suspension of the rules (a two-thirds majority being necessary under suspension proceedings) H. R. 4055, to authorize the payment of a monetary award to recipients of the National Medal of Science. pp. 14828-9
- 19. PURCHASING. The Rules Committee reported a resolution for the consideration of H. R. 1341, to require passenger carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards. pp. 14828, 14872
- 20. APPROPRIATIONS. Conferees were appointed on H. R. 11151, the legislative branch appropriation bill, 1963. Senate conferees have already been appointed. pp. 14831-3
- 21. BUILDINGS. Passed without amendment H. R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, including funds for agricultural attache housing. p. 14829
- 22. STOCKPILING. The Armed Services Committee reported without amendment H. Con. Res. 509, providing the express approval of Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act, for the disposition of certain materials from the national stockpile (H. Rept. 2157). p. 14872
- 23. RESEARCH. The Agriculture Committee reported without amendment H. R. 12712, to

assist the States to provide additional facilities for research at the State agricultural experiment stations (H. Rept. 2155). p. 14872

24. PERSONNEL. The Government Operations Committee reported without amendment H. R. 9957, to amend Sec. 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental U. S. (H. Rept. 2153). p. 14872
25. COMMUNICATIONS. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 11899, to amend the Federal Property and Administrative Services Act of 1949 to provide for a Federal telecommunications fund. p. D700
26. LIBRARIES. The General Subcommittee on Education of the Education and Labor Committee voted to report to the full committee with amendment H. R. 11823, to amend the Library Services Act in order to make areas lacking in public libraries, or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act. p. D700
27. LANDS; RESEARCH. The Government Operations Committee voted to report (but did not actually report) with amendments H. R. 10134, to convey certain ARS land in Prince Georges County, Md., to the American National Red Cross. p. D700
28. EDUCATION. Rep. Quie favorably discussed H. R. 8900, the proposed College Academic Facilities Act. pp. 14862-71

ITEMS IN APPENDIX

29. FORESTRY RESEARCH. Speech in the House by Rep. Pirnie favoring cooperative forestry research programs. p. A6062
30. MIGRANT WORKERS. Extension of remarks of Rep. Joelson urging House action on Senate-passed bills to aid migratory farmworkers. p. A6063
31. FARM PROGRAM; MARKETING. Extension of remarks of Rep. Hoeven inserting an address by Rep. Nelsen, "The Farmer's Market Is Worldwide." pp. A6067-9
32. ELECTRIFICATION. Extension of remarks of Rep. Utt inserting correspondence in opposition to the Pacific Northwest regional power preference bills. pp. A6070-1
33. NATURAL RESOURCES. Extension of remarks of Rep. Bolton inserting an article, "Who Conserves Our Resources?" pp. A6072-3
34. FOREIGN AID. Extension of remarks of Rep. O'Konski criticizing the foreign aid program and the imports of products as a "process of giving away the jobs of American workers." p. A6078
35. SUGAR. Extension of remarks of Rep. Dent expressing concern over the "continuing problems that beset the sugar import-export and subsidy policies of our Nation," and inserting an address which touches upon other phases of the relationship of the sugar-exporting nations with the economics of trade. pp. A6087-9
36. ECONOMICS. Extension of remarks of Rep. Younger inserting an article, "The Developing Dialog on Economic Growth." pp. A6089-92

owned Venezuelan subsidiary of a U.S. owner, and placed under Venezuelan registry and flag. The Standard Dredging Corp. of New Jersey is the parent of the Venezuelan corporation.

We have been informed that these vessels were transferred to the Venezuelan subsidiary of Standard Dredging Corp. of New Jersey at the insistence of the Venezuelan Government. The parent corporation was then engaged in performing a dredging contract in Venezuela, and was operating the said vessels as tenders and other auxiliary equipment for its dredge, the *Jamaica Bay*. As a prerequisite to the continuance of these dredging operations in that country, the Venezuelan Government insisted that all these attendant vessels be transferred to ownership in a Venezuelan corporation and to Venezuelan flag and registry. After obtaining permission from the Maritime Administration, these transfers were effected.

We have also been informed that since the end of World War II, Standard Dredging Corp. has performed dredging contracts in Cuba, Colombia, Jamaica, Aruba, Curacao, Egypt, and Iraq, and that none of these countries required the transfer of the tugs and barges to foreign ownership and registry.

It should be noted that section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), would not be pertinent to the documentation of these vessels. This section forbids the registration of foreign-built vessels for use in the coastwise trade, whereas these vessels are all American built.

Section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), is applicable, since it prevents a U.S.-built vessel which is transferred to foreign ownership or registry from acquiring the right to re-enter the coastwise trade.

It is our opinion that this bill and the surrounding circumstances with respect to these vessels are somewhat similar to those involved in Private Law 86-203, 86th Congress, which authorized U.S. redocumentation with coastwise privileges of the vessel *John F. Drew*, a then Canadian vessel utilized for dredging and marine construction operations in the St. Lawrence Seaway and power development project. It is the understanding of this Department that if the vessels specified in the bill were permitted to be redocumented in the United States with coastwise privileges, they would be used only to attend a large dredge in performing dredging operations in U.S. waters and not generally to engage in the coastwise trade. If the bill is amended to limit the operation of the vessels in this way, we would have no objection to enactment.

The bill could be amended to carry out our recommendation as follows:

1. Page 4, line 19, insert after the word "trade" a comma and the words "but only as an incident to dredging operations" and a comma.

2. Page 4, line 20, insert after the word "merchandise" a comma and the words "as an incident to dredging operations" and a comma.

3. Page 5, line 4, strike out the period and insert in lieu thereof a comma and the following: "and so long as such corporation is a citizen of the United States as defined in section 2 of the Shipping Act, 1916. If any such vessel, while documented pursuant to this Act, transports merchandise or passengers in the coastwise trade except as an incident to dredging operations, such vessel shall be forfeited to the United States, such merchandise shall be forfeited to the United States, and the vessel owner shall be subject to a penalty of \$200 for each such passenger transported. Any penalty or forfeiture incurred under the provisions of this Act may be remitted or mitigated by the Secretary of the Treasury in accordance with the provisions of section 5294 of the Revised Statutes (46 U.S.C. 7)."

The penalties and forfeitures provided by the proposed amendments are the same as those provided by existing law for operation of a vessel in violation of its license and for violation of section 27 of the Merchant Marine Act, 1920.

Attached is a comparative test showing the changes our proposed amendments would make in the bill.

The Bureau of the Budget advises there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

C. D. MARTIN, JR.,
Acting Secretary of Commerce.

"EUGENIE II"

The bill (S. 3264) to authorize and direct the Secretary of the Treasury to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), the Secretary of the Treasury is authorized and directed to cause that certain vessel now known as the *Eugenie II*, built in 1955 in New Brunswick, Maine, and now owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges, upon compliance with the usual requirements, so long as the vessel is owned, and shall continue to be owned by a citizen of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1799) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

REASON FOR THE BILL

The *Eugenie II* was built in New Brunswick, Canada, in 1955, and hence is not eligible (1) under the provisions of section 27 of the Merchant Marine Act, 1927, to transport merchandise between points in the United States, and (2) under section 4132 of the Revised Statutes (46 U.S.C. 11) to be documented for operation in the coastwise trade. The vessel is owned by J. C. Strout, a U.S. citizen, of Milbridge, Maine, who proposes to use it to supply charter boat and mail service in that area if this bill is enacted. Your committee is informed that no such service is presently available, and that its initiation would be a welcomed addition to the economy of the area.

The vessel is 50 feet in length, and is of approximately 15 net tons.

The Department of Commerce reports that, in view of the small size of the vessel, it has no objection to favorable consideration of the bill, if there is no objection on the part of the Treasury Department whose responsibility it is to administer, through the Bureau of Customs, the navigation laws which cover the documentation of vessels.

FORT BOWIE NATIONAL HISTORIC SITE, ARIZONA

The bill (S. 55) to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes, was considered,

ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior is authorized to designate, for preservation as the Fort Bowie National Historic Site, the site and remaining historic structures of old Fort Bowie, situated in Cochise County, Arizona, together with such additional land, interests in land, and improvements thereon, as the Secretary in his discretion may deem necessary to accomplish the purposes of this Act: *Provided*, That the Secretary shall designate no more than one thousand acres for inclusion in said site.

SEC. 2. Within the area designated pursuant to section 1 hereof, the Secretary of the Interior is authorized, under such terms, reservations, and conditions as he may deem satisfactory, to procure by purchase, donation, with donated funds, exchange, or otherwise, land and interests in land for the national historic site. When the historic remains of old Fort Bowie and all other privately owned lands within the aforesaid designated area have been acquired as provided in this Act, notice thereof and of the establishment of the Fort Bowie National Historic Site shall be published in the Federal Register. Thereupon all public lands within the designated area shall become a part of the Fort Bowie National Historic Site.

SEC. 3. The Fort Bowie National Historic Site, as constituted under this Act, shall be administered by the Secretary of the Interior as a part of the national park system, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended, the Historic Sites Act of August 21, 1935 (49 Stat. 666), and all laws and regulations of general application to historic areas within the national park system.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1800), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORICAL SIGNIFICANCE OF FORT BOWIE

Established in Arizona in 1862 and abandoned in 1894, Fort Bowie served in that period as the focal point of military operations during the subjugation of the hostile Apache Indians and the settlement of the Southwest. During that time, bloody campaigns were waged against the Chiricahua Apaches under their famed chieftain, Cochise, and later against the renegade Apaches under the leadership of Geronimo. Geronimo was captured and exiled in 1886 and peace was restored.

Fort Bowie was established in Apache Pass which was also the location of a stage station utilized by the Overland Mail Co. Apache Pass was considered the most hazardous point along the entire Butterfield Trail which extended some 2,651 miles along the wilderness between points of origin in St. Louis and Memphis to the western terminus in San Francisco. From 1858 until the Civil War forced its abandonment in 1861, the Butterfield Trail was an important link between the East and the West. It was the first mail and stage route to California from the eastern part of the United States.

PURPOSE OF S. 55

Enactment of the reported bill would authorize the Secretary of the Interior to design-

nate for preservation as the Fort Bowie National Historic Site the site and remaining historic structures of Fort Bowie and such additional land as is deemed necessary to preserve the fort and its historic environs. Actual boundaries within a 1,000-acre limitation would be designated by the Secretary and such designation would be contingent upon the acquisition of privately owned lands within the boundaries. The lands presently proposed for development aggregate about 900 acres, of which approximately 630 acres are public lands and the remaining 270 acres are private lands.

Portions of the original adobe building at Fort Bowie are still standing and the substantial stone foundations are clearly defined. It would be relatively easy to locate and identify other fort structures so as to reconstruct this great chapter in our country's history. Presentation of the story could be accomplished by partial or complete restoration of some of the buildings or through appropriate museum and other interpretative features.

ESTIMATED COSTS

The value of privately owned lands involved in the proposal is estimated to be approximately \$50 per acre, or \$13,000. Costs of developing the area for public use and enjoyment are estimated at approximately \$515,000 and annual administrative costs would approximate \$26,000.

FIVE FORKS BATTLEFIELD

The bill (H.R. 10276) to change the name of the Petersburg National Military Park, to provide for acquisition of a portion of the Five Forks Battlefield, and for other purposes was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1801), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE—

The principal purpose of this bill is to authorize the Secretary of the Interior to acquire 1,200 acres of land at the Five Forks battlefield site in Virginia and to administer them as part of the Petersburg National Military Park, a unit of the national park system. A further purpose is to change the name of this park to Petersburg National Battlefield.

H.R. 10276 was introduced by the Honorable WATKINS M. ABBITT following receipt of an executive communication requesting consideration of such a bill.

NEED

Petersburg National Military Park was established July 3, 1926. Its 1,531 acres, the present statutory limit, however, do not include the lands on which the Battle of Five Forks was fought. This battle is regarded by historians as the most important of the nine engagements which were fought during the Civil War to gain or retain control of Petersburg and thereby to dominate the railway approaches to Richmond. Five Forks, moreover, was the immediate forerunner of Appomattox, which marked the end of the Confederacy. It was at Five Forks that General Sheridan's 30,000 men overwhelmed General Pickett's Confederate forces on April 1, 1865.

A substantial part of the 1,200 acres proposed to be acquired are in such condition that they still display historic features associated with the battle. These features can readily be preserved. The acreage, which is

in 11 ownerships, is for the most part undeveloped. There are indications that some parts of it will be donated to the Government if its acquisition is authorized.

Petersburg National Military Park already attracts well over half a million visitors a year. With inclusion of the Five Forks site in it, it will undoubtedly attract a much larger number and will thus serve to bring home to the American public the significance of one of the most important of the battles of the Civil War.

GOVERNMENT IMPROVEMENTS UNDER CONCESSION CONTRACTS

The bill (H.R. 11405) to provide for the maintenance and repair of Government improvements under concession contracts entered into pursuant to the Act of August 26, 1916 (39 Stat. 535), as amended, and for other purposes was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1802), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill is to authorize the Department of the Interior to continue its longstanding practice of requiring concessionaires who utilize Government-owned buildings in areas administered by the National Park Service to be responsible for the maintenance and repair of those buildings.

NEED

Throughout the national park system there are many buildings which have been constructed by the Government or which were acquired by it at the time the lands on which they stand were acquired. Some of these buildings are occupied by concessionaires furnishing services to the public—restaurants, sleeping accommodations, souvenir stands, service stations, and the like. There are also buildings occupied by such concessionaires which have been constructed by and for themselves but to which the Government holds the title.

It has been normal practice for many years for the National Park Service to include in its concessionaire contracts provisions obligating the concessionaire to keep the buildings he occupies in good repair. Such provisions serve to reduce the appropriations which would have to be made if the Government had to repair and maintain these buildings. They also permit the party who is actually in charge of the buildings to coordinate his maintenance work with his other operations.

Recently, however, the Comptroller General has held that the practice of including such provisions in concessionaire contracts is illegal. He did so notwithstanding the conclusions stated in his report to the House committee on H.R. 11405 that—

Our reviews of National Park Service operations have not disclosed any findings that might lead us to a conclusion that the practice is objectionable from an accounting standpoint.

There is likewise no intimation that the practice involves any loss to the Government or has otherwise led to abuses. His holding appears to have been based solely on the inconsistency between such provisions and the terms of section 321 of the act of June 30, 1932 (47 Stat. 412), as amended (40 U.S.C. 303b), the text of which is set out in his report attached hereto.

In view of the advantages both to the Government and to the concessionaires

which flow from the practice described above and the lack of any showing of disadvantage, the committee finds it desirable and necessary that H.R. 11405 be enacted.

BILL PASSED OVER

The bill (S. 3235) to facilitate the work of the Forest Service, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT ACT OF 1949

The bill (S. 3574) to extend the International Wheat Agreement Act of 1949 was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the International Wheat Agreement Act of 1949, as amended, is further amended as follows:

(1) The first sentence is amended by striking out the language in the first parenthesis and all that follows in such sentence and inserting in lieu thereof the following: "signed by the United States and certain other countries revising and renewing such agreement of 1949 for periods through July 31, 1965 (hereinafter collectively called the 'International Wheat Agreement')".

(2) There is inserted immediately before the last sentence the following new sentence: "Such net costs in connection with the International Wheat Agreement, 1962, shall include those with respect to all transactions which qualify as commercial purchases (as defined in such agreement) from the United States by member and provisional member importing countries, including transactions entered into prior to the deposit of instruments of acceptance or accession by any of the countries involved, if the loading period is not earlier than the date the agreement enters into force."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1804), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3574) to extend the International Wheat Agreement Act of 1949, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would extend the International Wheat Agreement Act of 1949 to cover the International Wheat Agreement, 1962. Its sole purpose is to implement that agreement, which has already been ratified with the advice and consent of the Senate.

Under the agreement each importing country undertakes, when prices are within the agreement range, to purchase from member exporting countries a specified percent of its total commercial purchases from all sources, whatever that total may be. Exporting countries in association with one another undertake to make wheat available to member importing countries at prices within the range to enable them to fulfill their obligations, except that if prices reach the maximum, exporting countries then are obligated to furnish importing countries with certain

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 31, 1962
For actions of August 30, 1962
87th-2d, No. 156

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HIGHLIGHTS: House appointed conferees on farm bill. House committee voted to report wilderness bill. House passed bill to provide additional research facilities for experiment stations. House committee voted to report bill to facilitate work of Forest Service. Sen. Kerr inserted Treasury report supporting foreign trade bill. Sen. Muskie urged support for his amendment to foreign trade bill re imports from low-wage countries. Sen. Pastore defended President's textile program against recent attack.

SENATE

- 1. TAXATION.** Continued debate on H. R. 10650, the proposed Revenue Act of 1962 (pp. 17070-120, 17124-55). Agreed to the committee amendment to permit farmers to deduct, in computing their Federal income tax, expenditures incurred by them in clearing land to make it suitable for farming, up to \$5,000 or 25 percent of the taxable income from farming for the year, whichever is the lesser (p. 17070). Sens. Carlson, Proxmire, Miller, Douglas, Curtis, Javits, and Sparkman submitted amendments intended to be proposed to this bill. pp. 17058-62, 17163-4
- 2. FOREIGN TRADE.** Sen. Kerr inserted a letter and memorandum from Treasury Secretary Dillon supporting the proposed Trade Expansion Act of 1962. pp. 17123-4. Sen. Muskie inserted his testimony before the Senate Finance Committee in support of his proposed amendment to the foreign trade bill to give the President authority to enter into marketing agreements with foreign countries to protect domestic industry from imports from countries with sub-standard wages and working conditions. pp. 17162-3

3. TEXTILES. Sen. Pastore defended the President's textile program against recent attack that it was "to appease the strongly protectionist elements in the cotton textile industry," and inserted several tables to support his position. Sens. Muskie, Thurmond, and Hickey commended Sen. Pastore's statement. pp. 17155-9
4. MINING. The Interior and Insular Affairs Committee reported with amendments S. 3451, to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed (S. Rept. 1984). p. 17058
5. LAW; COURTS. The Judiciary Committee voted to report (but did not actually report) H. R. 1960, to amend title 28 of the U. S. Code relating to the jurisdiction of the U. S. district courts. p. D790-1
6. WILDLIFE. The Commerce Committee reported with amendments H. J. Res. 489, to provide for the protection of the golden eagle (S. Rept. 1986). p. 17163
7. EXPORT CONTROL. Both Houses received from Commerce a report on Export Control for the second quarter of 1962. pp. 17163, 17210
8. VIRGIN ISLANDS. Both Houses received from GAO "a report on the review of certain activities of the government of the Virgin Islands." pp. 17163, 17210
9. PERSONNEL. Sen. Proxmire expressed concern over "the serious shortage of scientific and engineering manpower" and inserted several items on the subject. pp. 17120-3
10. LEGISLATIVE PROGRAM. Agreed to a unanimous-consent agreement to begin consideration of the independent offices appropriation bill on Fri., Aug. 31. p. 17119

HOUSE

11. FARM PROGRAM. Agreed to H. Res. 772, to send to conference H. R. 12391, the proposed Food and Agriculture Act of 1962. Conferees were appointed. Senate conferees had already been appointed. pp. 17183-6
12. WILDERNESS. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 776, the proposed National Wilderness Preservation Act. p. D793
13. RESEARCH. Passed without amendment H. R. 12712, to assist the States to provide additional facilities for research at the State agricultural experiment stations. pp. 17186-8
14. FORESTRY. The Subcommittee on Forests of the Agriculture Committee voted to report to the full committee with amendment H. R. 12434 consisting of miscellaneous administrative provisions to facilitate the work of the Forest Service. p. D793
15. TERRITORIES. Agreed to the conference report on H. R. 10062, to extend the application of certain laws to American Samoa. This bill will now be sent to the President. p. 17173
16. PERSONNEL. Passed with amendment S. 919, to amend the Hatch Political Activities Act to eliminate the requirement that the Civil Service Commission impose no penalty less than 90 days' suspension for any violation of Sec. 9 of the Act. A similar bill, H. R. 12661, was laid on the table. pp. 17165-6
The Post Office and Civil Service Committee reported without amendment H.R. 5698, to extend the apportionment requirement in the Civil Service Act to

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
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(For information only;
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For actions of Sept. 12, 1962
87th-2d, No. 164

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HIGHLIGHTS: House committee voted to report bills to increase number of new counties eligible for crop insurance, further restrict interstate movement of diseased livestock and poultry, increase limitation on FHA loans, extend time for leasing tobacco allotments, facilitate work of Forest Service, facilitate USDA administrative operations, and provide cooperation with States in administration of agricultural laws. Conferees granted permission to file conference report on USDA appropriation bill by midnight, Sept. 12. Senate passed bills to: Increase authorization for Cooperative Forest Management Act. Provide for cooperation with States in administration of agricultural laws. Senate concurred in House amendment to bill to expand survey of forest resources. Sen. Morse discussed recent criticisms of administration of national forests.

HOUSE

- FARM PROGRAM.** The "Daily Digest" states that "Conferees continued, in executive session, to resolve the differences between the Senate- and House-passed versions of H. R. 12391, proposed Food and Agriculture Act of 1962, and reached tentative agreement thereon, and will meet again on Friday, September 14." p. D834
- APPROPRIATIONS.** The conferees were granted until midnight Wed., to file a conference report on H. R. 12648, the agricultural appropriation bill for 1963. p. 18127
Received and agreed to the conference report on H. R. 12870, the military construction appropriation bill (H. Rept. 2356). pp. 18173-6, 18178
The Appropriations Committee was granted permission to report the foreign aid appropriation bill on Tues., Sept. 18, and bring it to the floor on Thurs., Sept. 20. p. 18132

3. AGRICULTURE COMMITTEE. The Agriculture Committee voted to report (but did not actually report) S. 2859, to amend the Federal Crop Insurance Act, as amended, in order to increase from 100 to 150 the number of new counties in which crop insurance may be offered each year; S. 3120, to grant the Secretary of Agriculture additional authority to permit the interstate movement of certain diseased livestock and poultry; H. R. 11111, to authorize the Secretary of Agriculture to sell and convey certain forest lands in Iowa; H. R. 12434 (amended), omnibus bill to facilitate the work of the Forest Service; ~~H. R. 12653~~ (amended), to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such Act; H. R. 12855 (amended), relating to the lease and transfer of tobacco acreage allotments; H. R. 12811 (amended), omnibus bill to facilitate the work of the Department of Agriculture; H. R. 12802, to provide further for cooperation with States in administration and enforcement of certain Federal laws; and S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program. The Committee passed over without prejudice S. 3517, earmark Sec. 32 funds to establish and carry out a program to promote the flow of domestically produced lumber in commerce; and S. 2121, to establish Federal agricultural services to Guam; and voted to accept Senate amendments to H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. p. D833
4. ROADS. The Public Works Committee voted to report (but did not actually report) S. J. Res. 137, to authorize the Secretary of Commerce, in cooperation with Alaska, to undertake studies and surveys relative to a highway construction program for Alaska. p. D834
5. MONOPOLIES. The Interstate and Foreign Commerce Committee reported with amendment H. J. Res. 636, the proposed Quality Stabilization Act (H. Rept. 2352). p. 18178
6. LOBBYING. Received from the Clerk of the House and the Secretary of the Senate the quarterly reports pursuant to the Regulation of Lobbying Act. pp. 18180-211

SENATE

7. FORESTRY. Passed without amendment H. R. 9728, to increase the amount authorized to be appropriated to carry out the Cooperative Forest Management Act from \$2.5 million to \$5 million. This bill will now be sent to the President. pp. 18071-2
- Passed without amendment S. 3589, to authorize the Secretary of Agriculture to acquire certain lands in Wright County, Minn., and exchange them with Minn. for State-owned lands in the Superior National Forest. p. 18072
- Concurred in the House amendment to S. 3064, to increase the authorization for the national survey of forest resources from \$1.5 to \$2.5 million annually. This bill will now be sent to the President. p. 18073
- Passed with amendment S. 3335, to revise the boundaries of the Big Hole Battlefield National Monument, Mont., including the transfer of land from the Beaverhead National Forest to the Monument. p. 18073
- Sen. Morse discussed recent criticism of the administration of the national forests and stated that "Secretary Freeman is now addressing himself to this problem" and that "These times require a reassessment of procedures, a reanalysis of attitudes, the communication of ideas, but most of all an improvement in performance." pp. 18106-7

FACILITATING THE WORK OF THE FOREST SERVICE

SEPTEMBER 15, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 12434]

The Committee on Agriculture, to whom was referred the bill (H.R. 12434) to facilitate the work of the Forest Service, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

1. Page 1, line 3, strike lines 3 through 10 and page 2, line 1, strike lines 1 and 2.
2. Page 2, line 3, strike "Sec. 2. Where" and insert "That where".
3. Page 2, line 12, strike "Sec. 3." and insert "Sec. 2."
4. Page 2, line 15, strike "Sec. 4." and insert "Sec. 3."
5. Page 2, line 21, strike "Sec. 5." and insert "Sec. 4."
6. Page 2, line 24, strike "Sec. 6." and insert "Sec. 5."
7. Page 3, line 10, strike "Sec. 7." and insert "Sec. 6."
8. Page 3, line 1, after the figure 287, insert "; 16 U.S.C. 489".
9. Page 3, line 19, before the words "Section 32(f)" insert "Sec. 7".
10. Page 4, line 10, strike "15 U.S.C. 5796" and insert "16 U.S.C. 5796".
11. Page 4, line 14, strike lines 14 through 21.

PURPOSE

The purpose of this bill is to bring up to date, improve, and clarify several laws relating to the administration of the national forests. The several sections of the bill are independent and are explained in detail later in this report. Each would provide specific authority which would facilitate the administration of Forest Service programs.

COMMITTEE AMENDMENTS

The committee has eliminated from the bill sections 1 and 11 because it was developed at the hearing that there is some controversy over these sections, whereas the committee knows of no opposition to the other sections of the bill. Since the amendments made in other sections of the bill are urgently needed to facilitate Forest Service administration, the committee has deleted the controversial sections in the hope that the remaining portion of the bill may be enacted promptly, and will give separate consideration to the subject matter of sections 1 and 11 at a later date.

DEPARTMENTAL APPROVAL

The bill was transmitted to Congress by Executive Communication 1999 of April 20, 1962, recommending its enactment. Following is the text of the communication from the Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, D.C.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill to facilitate the work of the Forest Service, and for other purposes.

This Department recommends enactment of the draft bill.

The draft bill would provide authority which we believe is needed to more efficiently and effectively administer Forest Service programs. The several sections of the bill are independent and each would provide specific authority which would facilitate the administration of Forest Service programs.

The draft bill would—

(1) Authorize the Secretary of Agriculture to require deposits from purchasers of national forest timber products for erosion control work.

(2) Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists.

(3) Remove the 20-year limitation on the authority of the Secretary of Agriculture to revest in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence.

(4) Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service.

(5) Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest

and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.

(6) Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests."

(7) Reduce the penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense.

(8) Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests.

(9) Authorize the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots.

(10) Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund.

(11) Authorize the Secretary of Agriculture to permit the production and use of natural steam on national forest and other lands under the jurisdiction of the Forest Service.

Attached to the draft bill are statements explaining the purposes of each of the sections in the draft bill.

A similar letter is being sent to the President of the Senate.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress for its consideration.

Sincerely yours,

ORVILLE L. FREEMAN.

SECTION-BY-SECTION EXPLANATION OF THE BILL

(Section numbers refer to amended bill)

Section 1

Authorize the Secretary of Agriculture to exchange lands under the jurisdiction of the Forest Service for which no exchange authority exists.

The Forest Service has many tracts of land largely located outside of national forest boundaries which have been acquired under the act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 555), as amended by section 13 of the act of April 24, 1950 (64 Stat. 82), and several emergency relief acts of the 1930's. These lands are not exchangeable under present laws, whereas the Secretary has authority to make exchanges of virtually all other national forest lands when the public interest will be benefited thereby. Due to the pattern of settlement and development or to changing administrative and resource management needs, development of some of these tracts is not necessary or desirable although a site in another location may be badly needed. Opportunities arise to exchange these lands for tracts better suited for administrative use or for private lands within the national forests suitable for national forest purposes. Eight special laws have been

enacted since 1949 authorizing exchange of such tracts. Additional cases are expected to develop. General authority for the Secretary of Agriculture to exchange these lands will avoid the cost and work involved in enacting special legislation to consummate each individual exchange.

Section 2 (amendment of the act of July 8, 1943 (57 Stat. 388), as amended (5 U.S.C. 567))

Remove the 20-year limitation on the authority of the Secretary of Agriculture to revert in rightful owners by quitclaim deed title to lands under his administration where it has been found that such title is legally insufficient for the purposes for which the land was acquired or that it was acquired through mistake, misunderstanding, error, or inadvertence.

The Department has acquired large acreages of land for national forests, land utilization and conservation projects, and other purposes. A large part of these acquisitions were made during and since the 1930's. Despite the care that was taken, typographical error, erroneous surveys, and mistakes in abstracting resulted in certain cases in the Government acquiring title or color of title it did not intend to take. The 1943 act permits the Secretary of Agriculture to make title adjustments in these cases. A 10-year limitation from the date of acquisition was originally imposed by the act. In many cases, the need to make such adjustments did not become known until after the 10-year period had expired. To permit action on these additional cases, Congress increased the time limit to 20 years by an amendment in 1952 (66 Stat. 11).

In the light of the then existing conditions, it was thought that most cases requiring such title adjustments would develop and be cleared within the authorized 20-year period because the major acquisition programs were conducted in the 1930's and 1940's. Since 1952, title adjustments have been made in 206 cases involving 2,428 acres. Of these, 139 cases involving 1,478 acres have been developed and closed within the last 5 fiscal years.

Over 100 cases have been found in which title adjustments should be made but in which action is barred because the 20-year period has expired. It is known that this number will be increased materially as national forest landline survey and marking programs progress, and more intensive utilization of national forest lands is established. In addition to the accelerated program of landline location, surveys in connection with road construction and timber sale projects are disclosing claims to and disputes over landownership that have not heretofore developed because adjoining landowners have had no occasion to question the location of their property lines or those of the Government. In some of these disputes, it probably will develop that title adjustments are necessary.

To facilitate equitable and prompt adjustment of these cases when they arise, with due regard for the interests of the claimant and the Government, the Secretary of Agriculture should have authority to make such adjustments as are found justified regardless of the lapse of time between acquisition of a tract by the Government and discovery of the error.

Section 3

Authorize the Secretary of Agriculture to provide recreation facilities, equipment, and services for certain employees of the Forest Service located at isolated situations as an aid to improving and maintaining employee morale, safety, welfare, physical condition, and work production. Authorize for this purpose use of not to exceed \$35,000 annually of funds available to the Forest Service.

In the protection and management of the national forests, the Forest Service maintains many permanent and temporary work centers which employ from 10 to 150 employees each. The work centers are generally isolated from established recreation facilities by distance, lack of transportation, or because of job requirements which restrict employees to the work center area during normal recreation periods. The authority would permit the Forest Service to provide minimum recreation facilities and opportunity for its employees consistent with the degree of isolation and permanence of the individual work centers. At temporary work centers or tent camps recreation equipment would be limited to the kind which would require inexpensive facilities for use, such as softball, volleyball, badminton, and horseshoes. In addition, a recreation tent or room would be provided. It would be equipped with small games such as chess and checkers, writing facilities, a few selected books and quality magazines, and radio and television if electricity is available;

At permanent work centers all of the above equipment and facilities would normally be provided plus a modest combination tennis, volleyball, badminton, basketball court, and in improved softball field.

The benefits to employee morale, safety, physical condition, and work production have long been recognized by the armed services and private industry. In recognition of the worth of these benefits the armed services and leading private industry have provided recreation equipment, facilities, and services for their people. The isolated situation of some Forest Service work centers may closely parallel that of a military base on a Pacific island.

Of the 31,000 peak season Forest Service employees it is estimated about 6,000 of the temporary or seasonal employees work in isolated situations that need provisions for recreation. A large percentage of these employees are young men just out of high school or college students. For many, this is their first real job and their first time away from home. An essential measure in developing and maintaining high morale and work performance is to channel their energies during leisure hours into healthful recreation pursuits. A small investment in their safety and physical condition will yield higher morale and increased work performance for the Forest Service today and to the Nation tomorrow.

Section 4 (repeal of the act of June 11, 1906 (34 Stat. 233), as amended and supplemented (16 U.S.C. 506-508, 509))

Repeal the Forest Homestead Act which authorizes and directs the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which may be occupied for agricultural purposes without injury to the national forest and which are not needed for public purposes and to list them with the Secretary of the Interior for homestead entry.

The Forest Homestead Act was enacted in response to public demand that reserved public domain lands suitable for farming in the

national forests be made available for homesteading. In response to the act, the national forests were systematically examined, largely from 1906 to 1919, and lands having possibilities for agricultural use so classified and listed. Some 21,000 tracts covering 2 million acres were listed. Some listed lands subsequently were found clearly not suited to agriculture and were withdrawn, but the majority were entered and patented. During the same period, areas embracing over 29 million acres were eliminated from the national forests, thus making the public lands within their areas available for entry under other appropriate laws if suitable. There now remain no lands listed for homestead entry in the national forests, except a small acreage in Alaska which have remained unentered for years.

Lands listable under the June 11, 1906, act criteria have been made available and patented. The Forest Homestead Act has served its purpose and its continuance is unnecessary. Its continued existence, however, leads to occasional demands for classification of lands by people who desire to obtain national forest lands for private use. These requests must be investigated in detail, with consequent cost in time and money. Repeal of the law, therefore, is recommended:

Section 5 (repeal of a provision of the act of August 10, 1912 (37 Stat. 269, 287))

Repeal the provision of the act of August 10, 1912, which authorizes and directs the Secretary of Agriculture "to sell at actual cost to homestead settlers and farmers, for the domestic use, the mature, dead, and down timber in national forests."

The provision was enacted at a time of relatively low economic activity contrasted to the present, and it was a time when the Government was seeking to encourage settlement of the West. National forest timber made available by this means helped homesteaders and settlers get established. Other markets and uses for the timber were very limited, and in many localities totally nonexistent.

Circumstances warranting the provision are now largely eliminated. The West is no longer an undeveloped agricultural frontier. Modern farming calls for the use of processed forest products in specialty form now readily available on the market. Sharp competition for national forest timber has now developed and it is both impracticable and costly to administer the provision as originally intended. It is increasingly difficult to distinguish between qualified settlers or farmers and such people as dude ranchers, summer home residents, and suburban gardeners. There is uncertainty as to whether corporations and associations qualify. The Government is placed in the position of assuring that timber so sold is used for "domestic" purposes.

Elimination of the provision would not affect the discretionary authority of the Secretary to permit free use of national forest timber by bona fide settlers, miners, residents, and prospectors for firewood, fencing, buildings, mining, prospecting, and other domestic purposes.

Sections 6 and 7

Reduce penalty for violation of regulations of Secretary of Agriculture with respect to protection and use of national forests and national grasslands to make such violations punishable as a petty offense.

At the present time, violations of the rules and regulations of the Secretary of Agriculture with respect to the use and occupancy of the national forests and national grasslands are punishable by a fine of

not more than \$500 or imprisonment for not more than 1 year, or both. The Federal Government has proprietorial jurisdiction over the national forests and national grasslands. U.S. commissioners, under certain circumstances, may try and sentence persons committing petty offenses in places over which the United States has exclusive or concurrent jurisdiction.

There is now before the Congress legislation which would authorize U.S. commissioners specially designated for that purpose to try and sentence persons committing petty offenses in any place over which the United States has any form of jurisdiction.

Experience has shown that enforcement of the regulations for the protection and occupancy of the national forests and national grasslands would be greatly facilitated if the persons violating such regulations could be taken before U.S. commissioners for trial and sentence, rather than having them tried in the U.S. district courts, whose dockets are already overcrowded with other matters.

A petty offense is defined as one for which the penalty is not to exceed 6 months' imprisonment or a fine of not more than \$500, or both. Thus, it is necessary that the penalty for violations of the rules and regulations of the Secretary with respect to the national forests and national grasslands be reduced to make such violations a petty offense if the legislation to enlarge the jurisdiction of U.S. commissioners is to be of benefit in the administration of the national forests and national grasslands.

Section 8

Increase from \$500 to a maximum of \$2,500 the authorization of the Secretary of Agriculture to reimburse owners of private property for damage or destruction to their property caused by nonnegligent action of Federal employees in connection with the protection, administration, or improvement of the national forests.

The Secretary of Agriculture has authority under the 1930 act to reimburse owners of property for damages up to \$500 caused by employees of the United States in connection with the protection, administration, or improvement of the national forests. This authority has no application to damage caused through negligence. Values of real and personal property have increased considerably since the enactment of the reimbursement authority in 1930. Likewise, the costs of labor and materials for repair of damages to property have increased to several times the costs in 1930. The Congress has recognized these increased values and costs in the Tort Claims Act of June 25, 1948, as amended (62 Stat. 982), and the act of January 31, 1931, as amended (16 U.S.C. 502), by increasing the dollar limitation on settlement authorization to \$2,500. While the majority of claims arising from damage to private property are handled under these two acts, each year we have several claims to process under the Non-Negligence Claims Act of May 27, 1930. It is important that this act be amended to be consistent with the settlement authorization limitations of other acts and to facilitate prompt settlement of claims for payment of damages involving nonnegligent action.

Section 9

Authorize the use of Forest Service funds to pay expenses of, or assessments for construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots.

In recent years the Forest Service has been constructing annually from 75 to 100 dwellings for key personnel. Many of these units are being constructed in towns and cities on individual lots purchased by the Government. Selected lots for such purpose are usually located in scattered, individual locations throughout residential areas of towns and cities where sidewalks, curbs, and street paving are normally installed in front of all lots. These improvements generally are built by the city and financed by assessment of adjoining owners. There is no present authority for the Federal Government to pay its share of the costs. As a result we have residences in many towns where these improvements are installed in front of all lots on a street except the one held by the Forest Service. This results in short gaps in street paving, sidewalks, and curbs that are unsightly and detract from the neighborhood. In other instances the Federal Government's normal share of the costs is borne by the other property owners.

The authority to meet this problem will permit the Forest Service to redeem its civic duty as any property owner or "neighbor" would be expected to do—to improve its property in line with other property on the street or block and to bear its proper share of improvements that directly benefit its property.

Section 10

Remove from section 13 of the Department of Agriculture Organic Act of August 3, 1956, the limitation on the amount of capitalization in the Forest Service working capital fund.

The working capital fund is a revolving fund set up to furnish equipment and supply services to Forest Service programs. Program expansion requiring increases in motorized equipment such as trucks, tractors, graders, air fleets, and expansions and additions of tree nurseries consequently requires increased capitalization in this fund. Measured in terms of appropriations, program expansion in the past 5 years has been more than 60 percent. Capitalization in the working capital fund necessarily has increased accordingly to take care of this expansion. Projections indicate that total capitalization resulting from program expansion will soon approach the point where it cannot remain within the present \$25 million limitation.

The fund was originally established to provide a practicable method of financing and accounting for the various service operations that are necessary to serve concurrently the program of fire protection, timber utilization, construction and maintenance of roads and other improvements, reforestation, watershed, forest research, and other conservation activities of the Forest Service. It facilitates the work of the Forest Service by providing an orderly method of distributing costs of these service operations equitably between the various programs.

Since the working capital fund is a facilitating device in connection with equipment and supply services, the amount of capitalization in the fund is almost wholly dependent upon the size of the Forest Service programs. Control over the size of such programs is exercised through the appropriation process. This in effect provides control on the size of the working capital fund.

Elimination of the capitalization limitation would permit the Forest Service to capitalize and operate under the working capital fund additional equipment purchased from appropriated funds, or obtained from surplus Government sources at no cost as the needs of expanded programs dictate.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ACT OF JULY 8, 1943, AS AMENDED (5 U.S.C. 567; 57 STAT. 388)

If the Secretary of Agriculture shall find [within twenty years] after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertance, he is authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however,* That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

ACT OF JUNE 11, 1906, AS AMENDED (16 U.S.C. 506-508, 509)

[16 U.S.C. 506. The Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary national forests except the following counties in the State of California, San Luis Obispo, Santa Barbara; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the national forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

[Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the

lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the Secretary of the Interior or such officer as he may designate, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the officer designated by the Secretary of the Interior of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within national forests may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. No land listed under the provisions of this Act shall pass from the forest until patent issues.

[16 U.S.C. 507. Settlers upon lands chiefly valuable for agriculture within national forests on January 1, 1906, who had on that date exercised or lost their homestead privilege, but were otherwise competent to enter lands under the homestead laws, are granted an additional homestead right of entry for the purposes of sections 506-508 and 509 of this title only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay \$2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

[16 U.S.C. 508. All entries under sections 506-508 and 509 of this title in the Black Hills National Forest shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said national forest for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills National Forest under said sections shall vest in the patentee any riparian rights to any stream or streams of flowing water within said forest; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

[16 U.S.C. 509. Nothing contained within sections 506-508 of this title shall be held to authorize any future settlement on any lands

within national forests until such lands have been opened to settlement as provided in said sections, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a national forest.】

ACT OF AUGUST 10, 1912 (16 U.S.C. 489)

【16 U.S.C. 489. The Secretary of Agriculture, under such rules and regulations as he shall establish, is authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in section 477 of this title.】

ACT OF JUNE 4, 1897, AS AMENDED (16 U.S.C. 551)

16 U.S.C. 551. The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such national forests, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished 【as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.】 *by a fine of not more than \$500 or imprisonment for not more than six months, or both.*

ACT OF JULY 22, 1937, AS AMENDED (7 U.S.C. 1011(f))

* * * * *

SEC. 32. * * *

* * * * *

7 U.S.C. 1011(f). To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. 【Any violation of such rules and regulations shall be punished as prescribed in section 5388 of the Revised Statutes, as amended.】 *Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.*

ACT OF MAY 27, 1930 (16 U.S.C. 574)

* * * * *

SEC. 2. * * *

* * * * *

16 U.S.C. 574. The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of **[\$500]** \$2,500 shall be made on any such claim.

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1956
(16 U.S.C. 579b)

* * * * *

SEC. 13. * * *

* * * * *

16 U.S.C. 579b. There is established a working capital fund which shall be available without fiscal year limitation for expenses necessary, including the purchase or construction of buildings and improvements within the limitations thereon set forth in the appropriations for the Forest Service, for furnishing supply and equipment services in support of programs of the Forest Service. The Secretary of Agriculture is authorized to transfer to the fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such receivables, inventories, equipment, and other assets as he may determine, and assume the liabilities in connection with such assets **[**, but such capitalization shall not exceed \$25,000,000**]**: *Provided*, That the fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.

Union Calendar No. 1004

87TH CONGRESS
2D SESSION

H. R. 12434

[Report No. 2377]

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1962

Mr. GRANT introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 15, 1962

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italics]

A BILL

To facilitate the work of the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That purchasers of national forest timber products may be
4 required by the Secretary of Agriculture to deposit the esti-
5 mated cost to the United States of erosion control work
6 necessitated by their operations; such deposits to be cov-
7 ered into the Treasury and constitute a fund to be available
8 for such work until expended: *Provided*, That any deposits
9 in excess of the amount expended for such erosion control
10 work shall be transferred to miscellaneous receipts; national

1 forests fund, to be credited to the receipts of the year in
2 which such transfer is made.

3 ~~SEC. 2.~~ *Where That where* lands under the jurisdiction
4 of the Forest Service have been acquired and are being ad-
5 ministered under laws which contain no provision for their
6 exchange, the Secretary of Agriculture may convey such
7 lands and in exchange therefor may accept on behalf of the
8 United States title to any lands which in his opinion are
9 suitable for use in connection with activities of the Forest
10 Service. The value of the lands so conveyed by the Secre-
11 tary of Agriculture shall not exceed the value of the lands
12 accepted by him.

13 SEC. 3 2. The Act of July 8, 1943 (57 Stat. 388), as
14 amended (5 U.S.C. 567), is further amended by striking
15 out the words "within twenty years."

16 SEC. 4 3. Not to exceed \$35,000 annually of funds
17 available to the Forest Service may be expended for provid-
18 ing recreation facilities, equipment, and services for use by
19 employees of the Service located at isolated situations and,
20 where deemed to be in the public interest, by members of
21 the immediate families of such employees.

22 SEC. 5 4. The Act of June 11, 1906 (34 Stat. 233), as
23 amended and supplemented (16 U.S.C. 506-508, 509), is
24 hereby repealed.

25 SEC. 6 5. The provision of the Act of August 10, 1912

(37 Stat. 269, 287; 16 U.S.C. 489), which reads, “That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven” is repealed.

SEC. 6. The Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551) is amended by deleting from the second full paragraph on page 35 the portion thereof reading “as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States” and inserting in lieu thereof “by a fine of not more than \$500 or imprisonment for not more than six months, or both.”

SEC. 7. Section 32 (f) of the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011 (f)) is amended to make the last sentence thereof read as follows: “Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.”

SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat.

1 387; 16 U.S.C. 574) is amended by changing the amount
2 in the proviso from \$500 to \$2,500.

3 SEC. 9. Funds available to the Forest Service shall be
4 available for expenses of, or payment of assessment for,
5 construction of sidewalks, curbs, or street paving along the
6 boundary of Government-owned residential or otherwise
7 improved lots.

8 SEC. 10. Section 13 of the Department of Agriculture
9 Organic Act of 1956 (70 Stat. 1034; ~~45 U.S.C. 579b~~ 16
10 *U.S.C. 579b*) is hereby amended by deleting from the
11 second sentence thereof the comma after the word "assets"
12 and the words "but such capitalization shall not exceed
13 \$25,000,000."

14 ~~SEC. 11.~~ The Secretary of Agriculture is authorized
15 under such regulations as he may prescribe, to issue permits
16 for terms not in excess of fifty years, for the production of
17 natural steam from National Forest or other lands under
18 the jurisdiction of the Forest Service, and for the utilization
19 of such steam on such land or for removal of it therefrom,
20 and for the use and occupation of so much of such land as
21 may be needed for such purposes.

87TH CONGRESS
2^D SESSION

H. R. 12434

[Report No. 2377]

A BILL

To facilitate the work of the Forest Service, and
for other purposes.

By Mr. GRANT

JULY 9, 1962

Referred to the Committee on Agriculture

SEPTEMBER 15, 1962

Reported with amendments, committed to the Com-
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to be subject to the program could divert as much as their entire acreage for payment.

"Third. Certain crops not in surplus supply, such as safflower, sesame, and other minor crops, could be produced on diverted acreage at the discretion of the Secretary, and partial diversion payments could be made.

"Fourth. If more than one-third of the producers voting in the referendum opposed the program, price support would be provided at 50 percent of parity to cooperators.

" ...

"The bill provides also that the Secretary may increase the allotment for any type of wheat which would otherwise be in short supply. ...

"Authority is provided also for the Secretary to permit wheat to be produced on feed grain acreages to such extent and under such conditions as will not impair the operation of the wheat program. It is understood that this authority would not be used except in the case when an acreage diversion program for feed grains was in effect.

" ...

"Title IV--Farmers Home Administration

"The bill makes the following changes in the lending authorities of the Farmers Home Administration:

"First. Adds "recreational uses and facilities" to the purposes for which real estate loans may be made or insured to the owner-operators of not larger than family farms.

"Second. Adds "shifts in land use including the development of recreational facilities" to the purposes for which loans may be made or insured to associations serving farmers and other rural residents.

"Third. Adds "recreational uses and facilities" to the purposes for which operating loans may be made to the operator of not larger than family farms.

"Fourth. Adds a definition of farmers to include persons engaged in fish farming among farmers eligible for loans, and

"Fifth. Increases from 10 to 25 million the aggregate of the real estate loans which the Secretary may make out of the insurance fund to be sold and insured, which are on hand and not disposed of at any one time." pp. 18574-7

2. AGRICULTURAL APPROPRIATION BILL, 1963. Received the conference report on this bill, H. R. 12648 (H. Rept. 2381) (pp. 18487-9, 18583). Attached to this digest is a copy of the conference report and a summary of the action of the conferees.
3. FOREST SERVICE. Passed as reported H. R. 12434, to facilitate the work of the Forest Service (pp. 18560-1). This bill was reported with amendments on Sept. 15 (H. Rept. 2377) (p. 18583).
4. LOANS; FHA. Began debate on H. R. 12653, to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase from \$150 million to \$200 million annually the limitation on the amount of loans which may be insured under such Act (p. 18561). This bill was reported with amendment on Sept. 15 (H. Rept. 2378) (p. 18583).
5. COOPERATION. The Agriculture Committee reported on Sept. 15 (during adjournment of the House) without amendment H. R. 12802, to authorize the Secretary of Agriculture to cooperate with States in the administration and enforcement of Federal laws relating to the marketing of agricultural products and to the eradication or control of plant and animal diseases and pests. (H. Rept. 2379) p. 18583

6. TOBACCO. The Agriculture Committee reported on Sept. 15 (during adjournment of the House) with amendment H. R. 12855, to amend provisions of the Agricultural Adjustment Act of 1938 providing for the lease and transfer of tobacco acreage allotments so as to exclude cigar-filler and cigar-binder tobacco, types 42,43,44,53,54, and 55, from the lease and transfer authority. (H. Rept. 2380). p. 18583
7. WILDLIFE. The Subcommittee on Irrigation and Reclamation of the Interior and Insular Affairs Committee voted to report to the full committee S. 1988, to aid in the administration of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges in Oregon and California. p. D853
8. FLOOD CONTROL. Received from the Budget ^{Bureau} plans for works of improvement relating to the following watersheds: Crooked Bayou, Ark.; West Fork of Pond River, Ky.; Hardin Creek, Tenn.; and Mill Creek, Tenn.; to Agriculture Committee. p.18583
Received from the Budget Bureau plans for works of improvement relating to the following watersheds; Tobesofkee, Ga. (supplemental); Cottonwood Creek, Okla.; and Delaware Creek, Okla.; to Public Works Committee. p. 18583
9. EDUCATION. The "Daily Digest" states that "Conferees, in executive session, reached agreement on the differences between the Senate- and House-passed versions of H. R. 8900, authorizing Federal financial assistance for institutions of higher education, and will meet again on Wednesday, September 19, to sign a conference report thereon." p. D853
10. MINING. Passed with amendment S. 3461, to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed. A similar bill, H. R. 12761, was laid on the table. pp. 18532-4, 18545-50
11. AIR POLLUTION. Passed with amendment S. 455, to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law. A similar bill, H. R. 12833, which was earlier passed under suspension of the rules, was laid on the table. pp. 18556-60
12. EDUCATION; VETERANS. Passed with amendment S. 2697, to amend title 38, U.S.C., to provide an extension of the period within which certain educational programs must be begun and completed in the case of persons called to active duty during the Berlin crisis. A similar bill, H. R. 9962, was laid on the table. pp. 18489-92
13. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 1070, to amend the Federal Employees' Group Life Insurance Act of 1954, as amended, so as to provide for an additional unit of life insurance (H. Rept. 2383). p. 18583
14. HOUSE RULES. Rep. Reuss urged five amendments to the Rules of the House of Representatives intended to expedite the business of Congress. pp. 18567-70
15. SMALL BUSINESS. Rep. Roudebush discussed the American patent system and said, "It is my firm conviction that the Congress must not take any precipitate action to alter our patent system." pp. 18577-81

amended by Public Law 365 in the 86th Congress. The measure before us now would extend the program another 2 years, and as a member of the Health and Safety Subcommittee of the Interstate and Foreign Commerce Committee, I am pleased to support this bill and the efforts of the distinguished chairman of the subcommittee, the gentleman from Alabama [Mr. ROBERTS].

Through experience on the subcommittee, I have learned that air pollution is a problem of national scope which affects not only our urban population but the rural areas as well. When we think of polluted air we immediately visualize city streets choked with the blue pall of automotive and industrial gases. And we think of Americans breathing that air each moment. However, what of the effects of this air on American agriculture and its related industries?

The results which have come from the air pollution control program thus far have been impressive. Studies have shown the relationships between polluted air and respiratory diseases, as has been expected. The human heart, it has been shown, is also affected by polluted air. Emphysema, a disease which has health authorities very much concerned because of its rising death toll, is strongly tied to stagnant air by impressive supporting statistical data. Medically, there is good, accurate evidence to show the need for continuing research.

The effects of polluted air on animals is another factor which we should bear in mind as this legislation is considered. With medical data showing the direct ties polluted air can have to human health, it logically follows that this same air would have effects on the food man eats. Vegetation damage from air pollution is estimated at some \$500 million annually. Vegetation is susceptible to the chemical effects of polluted air, and in fact is perhaps more immediately sensitive to it than man or animals may be. Under this program we have before us, it has been learned that the elements in these gases are changed by the sunlight, and their bearing on vegetation is made greater in many instances.

The State of Florida is fortunate in having a great number of rapidly expanding cities, and surrounding them is an abundant agricultural economy based on vegetables, sugar cane, cattle, citrus, and flower growing. These elements of Florida's economy are interrelated, and depend on each other for their continued growth and development. Motor vehicles and rail facilities are needed to transport agricultural commodities into urban markets for sale and consumption. These areas in turn provide many supplies such as fertilizer and machinery for agriculture. Tourism flourishes in Florida as a result of air, rail, bus, and automobile facilities, all of which must be studied for prevention pollution measures.

For these reasons, Mr. Chairman, and because the air pollution control problems of the Nation are rapidly increasing, I urge passage of H.R. 12833.

Mr. FOGARTY. Mr. Speaker, I wish to urge the House to act favorably on H.R. 12833, extending the Air Pollution

Control Act because it insures the continuation of vital legislation which serves one of the most important interests of our Nation and all its citizens—public health. It has been my privilege for several years to preside over the Subcommittee on Appropriations, which is charged with the responsibility of examining the programs of the Department of Health, Education, and Welfare. This has been a unique and rewarding experience, and has provided opportunity to become familiar with the people and programs with which this Department is concerned. All of these are intimately concerned with the health and welfare of the public; of all these programs, there is none which relates more directly to the basic requirements of the average citizen than that concerned with air pollution, whose objective is to safeguard the quality of the air that each citizen breathes.

My committee, each year, has held extensive hearings on the appropriation requests for air pollution and other environmental health programs. In addition, 2 years ago, the committee held extensive hearings on this and related health problems of the environment, during which we heard expert testimony from many outstanding authorities. On the basis of this testimony, there is no question that air pollution is a serious and growing problem in many areas of our country.

Until recently, most of us have taken for granted the availability of unlimited quantities of fresh air to breathe. Now, however, it has become apparent that the quantity of air supply in any location is limited and can be overloaded with wastes discharged to it to the point that it becomes unwholesome, so that it can actually damage our health and our property. Of all our natural resources, the air is perhaps used more extensively by each person than any other in that the average adult breathes approximately 30 pounds of it each day, a much larger quantity than he takes in in either food or drink. It is essential that the quality of the air which we all breathe be maintained in suitable condition, since we cannot purify it for breathing purposes, but must take it as it comes to us.

The experts testify that the increasing seriousness of air pollution is due primarily to our growth of population and our increasing economic prosperity. The pollutional discharges are concentrated in our urban areas where an increasing percentage of our population lives and where the greatest use of raw materials, finished products, and energy resources is made. The effects of the pollution, however, are not confined to the cities, but extend out from them for many miles into the surrounding areas. Air pollution produces a heavy toll of economic loss in this country each year—in the form of damage to agricultural and other plants, corrosion of materials and structures, and decreases in real estate values. Estimates of the total of such damage recently have ranged from \$5 to \$11 billion annually.

More important than this property damage, however, is the increasingly

specific evidence that air pollution is a growing threat to the health of all of us. Testimony offered before the Appropriations Subcommittee has shown not only that deaths can be caused by high concentrations of air pollutants under acutely adverse conditions as have occurred in London, England, and New York City, but that air pollution is closely associated with acute and chronic respiratory illness. With respect to lung cancer, the incidence among those breathing polluted city air is greater than among rural residents, and materials capable of producing lung cancers in experimental animals can be extracted routinely from the air in our cities. Recent research by the Public Health Service shows increasing evidence linking air pollution with such respiratory diseases as asthma, bronchitis, and emphysema. These seriously crippling respiratory ailments are increasing rapidly in their incidence in this country, and currently constitute the major causes of respiratory disability and of payments therefor under the social security system. In addition, other studies have shown exposure to irritating air pollutants to increase the susceptibility of individuals to respiratory infections, a primary cause of industrial absenteeism.

Over the past several years, the needs for action to abate or prevent air pollution have received attention by a number of expert scientific groups. Two years ago, an ad hoc task group, appointed by the Surgeon General, reported on national needs in air pollution research. More recently, a committee on environmental health problems, appointed by the Surgeon General and under the chairmanship of Dr. Paul M. Gross of Duke University, now president of the American Association for the Advancement of Science, reported on the research, training, and operational needs nationally in the control of air pollution and other environmental health hazards. Also, the Committee on Atmospheric Sciences of the National Academy of Sciences has reported this year on national goals and plans in this broad field, and has devoted considerable attention to the specific needs with respect to air pollution. The reports of all of these expert committees are in essential agreement in that they foresee the need for and recommend increased attention to this growing and serious problem. Solutions to the problems of air pollution will require concerted and intensified actions involving all levels of government, industry and other organizations. The Federal Government has a real responsibility to provide leadership and assistance in seeing that the overall job gets done.

Under H.R. 12833, the House is being asked to extend for the period of 2 years the Federal program in the field of air pollution, and to direct that the problems of pollutant emissions from automotive vehicles be given special attention. I submit that these are minimal steps. In the long run, much more will be required, involving cooperation of Federal, State and local governments, industry, and other organizations that

have a direct or indirect concern with problems of unclean air. Unfortunately, it appears that there has not been sufficient time in this session of the Congress to develop decisions as to the most desirable provisions of more comprehensive legislation designed to substantially strengthen the Nation's efforts in the field of air pollution control. In the meantime, until more comprehensive action can be taken, we cannot fail to support H.R. 12833, which authorizes and directs the Surgeon General to press forward in the present program activities of the Public Health Service in relation to air pollution.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 12833?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of July 14, 1955 (42 U.S.C. 1857b), is amended by striking out "upon request of any State or local government air pollution control agency," by striking out "such State or local government air pollution control agency" and inserting in lieu thereof "any State or local government air pollution control agency", and by inserting before the period at the end thereof "but only if requested to do so by such State or local government air pollution control agency or if, in his judgment, such problem may affect or be of concern to communities in various parts of the Nation or may affect any community or communities in a State other than that in which the matter causing or contributing to the pollution originated."

SEC. 2. Such Act is further amended by redesignating sections 6, 7, and 8, as sections 7, 8, and 9, respectively, and inserting after section 5 the following new section:

"SEC. 6. (a) Whenever, on the basis of reports, surveys, or studies, he believes it appropriate, or whenever requested by any State or local government air pollution control agency, the Surgeon General may call a public hearing on any problem of air pollution which may affect or be of concern to communities in various parts of the Nation or which may affect any community or communities in any State other than the State in which the matter causing or contributing to the pollution originates. Any such hearing shall be conducted before a board composed of not less than five members, appointed by the Secretary of Health, Education, and Welfare, who shall be representative of the public, industry which is affected by or concerned with the problem, persons who are expert or have special knowledge in the matter, interested Federal agencies, and

interested State or local government air pollution control agencies.

"(b) Subject to regulations of the Surgeon General, an opportunity to be heard at such hearing shall be accorded to all interested persons.

"(c) After consideration of the information presented at the hearing and such other information as is available to it, the board shall make a report and recommendations to the Surgeon General on such matters as the existence, cause, and effect of the air pollution on which the hearing was held, progress toward its abatement, and other related matters. Such report and recommendations, together with the comments and recommendations, if any, of the Surgeon General with respect thereto, shall be available to the community or communities, Government agencies, and industries concerned and, to the extent the Surgeon General deems appropriate, to the public, but shall not be binding on any person, agency, or organization."

SEC. 3. Section 5 of such Act (42 U.S.C. 1857d) is amended by striking out "nine fiscal years beginning July 1, 1955, and ending June 30, 1964, not to exceed \$5,000,000" in the first sentence, and inserting in lieu thereof "eleven fiscal years beginning July 1, 1955, and ending June 30, 1966, not to exceed \$5,000,000".

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause of S. 455 and insert the provisions of H.R. 12833 as passed as follows: "That the first sentence of section 5 of the Act entitled 'An Act to provide research and technical assistance relating to air pollution control', approved July 15, 1955, as amended (42 U.S.C., sec. 1857d), is amended by striking out 'nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964,' and inserting in lieu thereof 'eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966,'."

"SEC. 2. Section 3 of the Act entitled 'An Act to provide research and technical assistance relating to air pollution control', approved July 15, 1955, as amended (42 U.S.C., sec. 1857b), is amended by inserting '(a) Immediately after 'Sec. 3.', and by adding at the end thereof the following new subsection:

"(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to amend the Act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional two-year period, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12833) was laid on the table.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CORRECTION OF ROLL CALL

Mr. BEERMANN. Mr. Speaker, on rollcall No. 211 I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the Record and Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

FACILITATING WORK OF THE FOREST SERVICE

Mr. GRANT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12434) to facilitate the work of the Forest Service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That purchasers of national forest timber products may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of erosion control work necessitated by their operations, such deposits to be covered into the Treasury and constitute a fund to be available for such work until expended: Provided, That any deposits in excess of the amount expended for such erosion control work shall be transferred to miscellaneous receipts, national forests fund, to be credited to the receipts of the year in which such transfer is made.

SEC. 2. Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

SEC. 3. The Act of July 8, 1943 (57 Stat. 388), as amended (5 U.S.C. 567), is further amended by striking out the words "within twenty years."

SEC. 4. Not to exceed \$35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

SEC. 5. The Act of June 11, 1906 (34 Stat. 233), as amended and supplemented (16 U.S.C. 506-508, 509), is hereby repealed.

SEC. 6. The provision of the Act of August 10, 1912 (37 Stat. 269, 287), which reads, "That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Sec-

retary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven" is repealed.

SEC. 7. The Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551) is amended by deleting from the second full paragraph on page 35 the portion thereof reading "as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States" and inserting in lieu thereof "by a fine of not more than \$500 or imprisonment for not more than six months, or both."

Section 32(f) of the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011(f)) is amended to make the last sentence thereof read as follows: "Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both."

SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 574) is amended by changing the amount in the proviso from \$500 to \$2,500.

SEC. 9. Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

SEC. 10. Section 13 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1034; 15 U.S.C. 579b) is hereby amended by deleting from the second sentence thereof the comma after the word "assets" and the words "but such capitalization shall not exceed \$25,000,000."

SEC. 11. The Secretary of Agriculture is authorized under such regulations as he may prescribe, to issue permits for terms not in excess of fifty years, for the production of natural steam from National Forest or other lands under the jurisdiction of the Forest Service, and for the utilization of such steam on such land or for removal of it therefrom, and for the use and occupation of so much of such land as may be needed for such purposes.

With the following committee amendments:

Page 1, line 3, strike lines 3 through 10 and page 2, line 1, strike lines 1 and 2.

Page 2, line 3, strike "SEC. 2. Where" and insert "That where".

Page 2, line 12, strike "SEC. 3." and insert "SEC. 2."

Page 2, line 15, strike "SEC. 4." and insert "SEC. 3."

Page 2, line 21, strike "SEC. 5." and insert "SEC. 4."

Page 2, line 24, strike "SEC. 6." and insert "SEC. 5."

Page 3, line 10, strike "SEC. 7." and insert "SEC. 6."

Page 3, line 1, after the figure 287, insert "; 16 U.S.C. 489".

Page 3, line 19, before the words "Section 32(f)" insert "SEC. 7".

Page 4, line 10, strike "15 U.S.C. 5796" and insert "16 U.S.C. 5796".

Page 4, line 14, strike lines 14 through 21.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FARMERS HOME ADMINISTRATION, INCREASE AUTHORIZATION FOR INSURED LOANS

Mr. GRANT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12653) to amend the Consolidated Farmers

Home Administration Act of 1931 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I simply want to point out to the House that on these bills there were no reports available on Saturday. Here we are without any report. There may be reports here, but not in time so that anyone could study these bills. I am not going to object, but I do not like this way of legislating and I want to protest.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I think, perhaps, it would be well to have a brief explanation of the bill.

Mr. JOHNSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman.

Mr. JOHNSON of Wisconsin. The original bill was to raise the amount that could be borrowed from the Farmers Home Administration from \$150 million to \$300 million. The Bureau of the Budget and the House Committee amended it to \$200 million. That will carry them through January and February and we will take up the matter in the next session of the Congress.

Mr. WILLIAMS of Mississippi. Do I understand that this bill comes to us with a unanimous report?

Mr. JOHNSON of Wisconsin. Yes; the committee is unanimous.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I withdraw my reservation of objection.

Mr. CURTIS of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Will the gentleman from Missouri withhold the point of order until the gentleman from California [Mr. SISK] makes a unanimous-consent request?

Mr. CURTIS of Missouri. Mr. Speaker, I want to accommodate, but I do not like this procedure. Nobody knows what is going on here, and we cannot get an explanation on these bills. But I will withhold the point of order so that the gentleman can make his unanimous-consent request.

LEGISLATIVE PROGRAM—SUSPENSION OF THE RULES ON TUESDAY

Mr. SISK. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow for the Speaker to recognize Members to move to suspend the rules and pass the bills that were announced for suspension on last Friday and which have not been reached today except the first item on that list as announced.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this now include the bill H.R. 11732 to provide that foreign embassies can operate radio transmission stations in this country?

The SPEAKER pro tempore. That is a matter within the discretion of the gentleman from Arkansas.

Mr. GROSS. He is asking unanimous consent to make it within the discretion of the gentleman from Arkansas, if I understand the parliamentary situation.

Mr. WHITTEN. Mr. Speaker, reserving the right to object, there are several conference reports pending on appropriation bills. It is getting toward the end of the session and some of these bills may have to go back for further conference. I am just wondering what the situation will be with regard to them.

The SPEAKER pro tempore. The Chair will state that it will be the purpose of the Chair to recognize Members to move to suspend the rules after the disposition of conference reports that will be in order tomorrow.

Mr. HALLECK. Mr. Speaker, reserving the right to object, I just want to say that quite some time ago recognizing that the hour would be late when we finished should we complete the call of bills under suspension today, I personally, after consultation with our side, agreed to the consent request that was just made by the gentleman from California [Mr. SISK].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I withdraw my point of order.

IMPERIAL PLANE CRASH, RICHMOND, VA.

(Mr. WALTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALTER. Mr. Speaker, this past week criticism was voiced on the House floor concerning the activities, or the alleged lack of activities, by the Attorney General in the matter of the Imperial plane crash of last November 8 at Richmond, Va.

I have closely followed the activities of the Criminal Division at the Department of Justice in regards to the investigation of this particular plane crash.

I think the Criminal Division is making a painstaking study of the evidence and should be congratulated for its work on this particular investigation.

I include with my remarks a copy of a letter received from Mr. Herbert J. Miller, Jr., Assistant Attorney General in charge of the Criminal Division at the Justice Department.

It follows:

SEPTEMBER 14, 1962.

HON. FRANCIS E. WALTER,
House of Representatives,
Washington, D.C.

DEAR MR. WALTER: This refers to your recent telephone conversation with Carl W. Belcher of this Division regarding the crash of the Imperial Airlines Constellation near Byrd Field, Richmond, Va., on November 8, 1961.

Briefly, the facts reflect that the plane departed from Columbia, S.C., at approximately 3:14 p.m., November 8, 1961, and passengers boarded the plane at Newark, N.J., Wilkes-

Barre, Pa., and Baltimore, Md. A short time after the plane left Baltimore, engines Nos. 3 and 4 ceased to operate, and it was decided to land the plane at Richmond. An attempt to land the plane on a runway at the Richmond Airport was abandoned because the plane was too high, and the landing gear was not down. When the plane was on a turn to make another approach to the airfield, another engine ceased to function properly; the aircraft decelerated rapidly, crashed into trees approximately a mile from the airfield, and almost immediately was enveloped in flames. Three crewmembers and 74 passengers died in the crash, and the only survivors were Capt. Ronald H. Conway, and Flight Engineer William F. Poythreiff.

The Department's authority in this matter is limited to the question as to whether the facts warrant Federal criminal action, and particularly whether there is any basis for a charge of negligent homicide against the surviving crewmembers under subsection K of the aircraft piracy statute (75 Stat. 466, 49 U.S.C. 1472).

Inquiries regarding this case were received by the Department from Congressman FRANCIS E. WALTER, as well as Congressmen WILLARD S. CURTIN and CHARLES S. JOELSON and Senator CLIFFORD P. CASE. Written progress reports were submitted by the Department to Congressman CURTIN on February 28, 1962, and June 14, 1962; to Congressman JOELSON on February 16, 1962, and June 11, 1962; to Senator CASE on March 19, 1962, and June 14, 1962. Repeated telephone reports have been made to Congressman WALTER's office.

Since the report issued by the CAB dated February 6, 1962, was brought to our attention, we have given this matter preferred attention. On February 21, 1962, April 24, 1962, June 5, 1962, and August 8, 1962, we addressed letters to the Board requesting additional information regarding the accident. The allegations made in the CAB report and the reports submitted to the Board by Imperial Airlines.

On May 4, 1962, a conference was held in the Department, which was attended by representatives of the CAB and the FAA, for the purpose of discussing the conclusions made in the CAB report regarding the loss of power in engines Nos. 3 and 4 after the plane left Baltimore.

The discussion at the conference disclosed that those statements constitute a hypothesis or theory of the Board's safety staff as to the cause of malfunctioning of the engines. Included in the material received from the Board in the Department were the transcript (803 pages) of the hearings of the accident, conducted by the Board at Richmond, Va., and Miami Beach in November and December 1961; the transcript (700 pages) of the hearings conducted by an examiner of the Board in April 1962 on the appeal of Captain Conway from an emergency order of the Administrator of the Federal Aviation Agency revoking the airline transport pilot's rating certificate of Captain Conway, and the CAB order of June 8, 1962, affirming the revocation order.

This material was promptly reviewed in the Department after receipt from CAB.

Information received from the CAB on July 17, 1962, indicates that a resident of Columbia, S.C., may have additional information regarding the condition of the Constellation prior to the flight on November 8, 1961, and by letter dated August 8, 1962, we recommended that an investigator employed by the Board contact this individual and ascertain what information he has on the foregoing matter. After we receive the results of that interview, a determination will be made as to whether the case warrants further investigation or prosecution.

Sincerely yours,

HERBERT J. MILLER, Jr.,
Assistant Attorney General,
Department of Justice.

ONE-HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa [Mr. SCHWENGEL] for the purpose of making an announcement.

Mr. SCHWENGEL. Mr. Speaker, several days ago, realizing that this is the 175th anniversary of the Constitution of the United States, I asked for 3 hours on a special order so that I could, along with many other Members of the House, talk about the advantages and the virtues that have come to us and to freedom as a result of this great document.

MOST SIGNIFICANT ANNIVERSARY, 175TH ANNIVERSARY OF THE CONSTITUTION

Mr. Speaker, 175 years ago the Constitutional Convention of 1787 convened in Philadelphia, and began the deliberations which produced the marvelous document, the Constitution of the United States. We know that document to be older than the constitution of any other presently existing government. Probably the framers of the Constitution never realized the durability of the instrument which they had created. Certainly some of them would have been satisfied, if they could have been assured on the day the convention adjourned that their handiwork would bind the States together in relative peace and prosperity for as long as 50 years. They could hardly have foreseen, although the more imaginative among them may have hoped, that it would serve as a frame of government for 175 years, during which the Nation would expand from the Atlantic to the Pacific, would expand from a population of 4-million to 187-million people, and would develop a civilization with spiritual and material advantages unparalleled in human history. So great has been the praise of this instrument that many have agreed with Mr. Gladstone, who once said:

As the British Constitution is the most subtle organism which has proceeded from the womb and long gestation of progressive history, so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man.

The Iowa motto is "Our liberties we prize and our rights we will maintain."

This, fellow countrymen, as so much of the eloquent and enabling political literature in our heritage, most surely was inspired by the Constitution, which we honor today. It indicates, in part at least, our feelings about the liberties which were both enunciated and guaranteed in the Declaration of Independence and the Constitution. These words found in our written heritage characterize both the understanding and the devotion to ideals that prevail in the hearts of American people as it does in the hearts of all who love liberty.

In times like this, one feels the impact of history. Nowhere can be found an area that has a richer and a more meaningful heritage, on liberty, than Independence Hall Center at Philadelphia where today a former President is speaking and where for many weeks with of-

ficials and leaders of Philadelphia each State in the order of their becoming a part of the Union have in their own way been commemorating this notable achievement at home and in Philadelphia.

As we commemorate the anniversary of the Constitution today we should remember, that first there was a compact on the *Mayflower*; there on that ship, really and truly, began American statesmanship.

In spite of the later tyrannies of New England—her intolerance, her cruelties to Quakers, her witcheries and her exile of dissenters—it is still true, that the hope of freedom, saw the first light of day, in the cabin, of that stanch old, wooden, 180-ton ship, the *Mayflower*.

Hark and mark the phrases, "combine ourselves together into a body politic," "Just and equal lawes," ordinary acts, constitutions and offices," "as shall be thought most meete and convenient for the generall good."

So wrought, and wrote, the 102 seekers of liberty, before they set foot on the break shore, where they found only, what was to be known as a Plymouth Rock to greet them—John, Miles, Priscilla, and the rest.

How simple and adequate the words, "Just and equal lawes," and "the generall good."

How completely the express and compass the essence of free government. They and the other evidences of devotion mark the places, we call, "the altar of freedom" of which Lincoln spoke in a letter to Mrs. Bixby, two and a half centuries later.

Time moves on, and we note that liberty did not abide in New England—storm clouds appeared on the horizon—the Government of King George held sway—he and his kind, misjudged, the urge for freedom, and one night, the tea party in Boston harbor, announced his doom, on the North American Continent.

Then, soon, the "embattled farmers" fired "the shot heard round the world." Before its echo died there came forth, from the pen of some thoughtful men, brave men, words—meaningful words, spoken by Patrick Henry, written by Tom Paine, and thought on and acted on by Tom Jefferson and others.

A meeting was called in Philadelphia and finally came the second great document, the second great stride forward, toward self-government. Its principal author was a red-headed young man named Tom Jefferson, serving as chairman of the committee, with Adams, Franklin, Sherman, and Livingston.

Then the unanimous Declaration was signed in Philadelphia 186 years ago last July 4.

Fifty-six courageous men from Thirteen Colonies risked their lives and fortunes by signing it.

It made 1776 our natal year. Beginning, "When in the course of human events," it is an indictment of tyranny, an indictment that is bold, perpetual, and true.

It stands as a great monument in the hearts and minds of Americans and people everywhere who fought and fight for liberty. It was in the hearts and minds of all those patriots who toiled, who fought, and who sacrificed for freedom

87TH CONGRESS
2^D SESSION

H. R. 12434

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1962

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To facilitate the work of the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where lands under the jurisdiction of the Forest
4 Service have been acquired and are being administered under
5 laws which contain no provision for their exchange, the
6 Secretary of Agriculture may convey such lands and in
7 exchange therefor may accept on behalf of the United States
8 title to any lands which in his opinion are suitable for use
9 in connection with activities of the Forest Service. The
10 value of the lands so conveyed by the Secretary of Agricul-
11 ture shall not exceed the value of the lands accepted by him.

1 SEC. 2. The Act of July 8, 1943 (57 Stat. 388), as
2 amended (5 U.S.C. 567), is further amended by striking
3 out the words "within twenty years."

4 SEC. 3. Not to exceed \$35,000 annually of funds
5 available to the Forest Service may be expended for provid-
6 ing recreation facilities, equipment, and services for use by
7 employees of the Service located at isolated situations and,
8 where deemed to be in the public interest, by members of
9 the immediate families of such employees.

10 SEC. 4. The Act of June 11, 1906 (34 Stat. 233), as
11 amended and supplemented (16 U.S.C. 506-508, 509), is
12 hereby repealed.

13 SEC. 5. The provision of the Act of August 10, 1912
14 (37 Stat. 269, 287; 16 U.S.C. 489), which reads, "That the
15 Secretary of Agriculture, under such rules and regulations
16 as he shall establish, is hereby authorized and directed to
17 sell at actual cost, to homestead settlers and farmers, for their
18 domestic use, the mature, dead, and down timber in national
19 forests, but it is not the intent of this provision to restrict the
20 authority of the Secretary of Agriculture to permit the free
21 use of timber as provided in the Act of June fourth, eighteen
22 hundred and ninety-seven" is repealed.

1 SEC. 6. The Act of June 4, 1897 (30 Stat. 11, 35;
2 16 U.S.C. 551) is amended by deleting from the second
3 full paragraph on page 35 the portion thereof reading “as
4 is provided for in the Act of June fourth, eighteen hundred
5 and eighty-eight, amending section fifty-three hundred and
6 eighty-eight of the Revised Statutes of the United States”
7 and inserting in lieu thereof “by a fine of not more than
8 \$500 or imprisonment for not more than six months, or
9 both.”

10 SEC. 7. Section 32 (f) of the Act of July 22, 1937 (50
11 Stat. 526; 7 U.S.C. 1011 (f)) is amended to make the last
12 sentence thereof read as follows: “Any violation of such
13 rules and regulations shall be punished by a fine of not
14 more than \$500 or imprisonment for not more than six
15 months, or both.”

16 SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat.
17 387; 16 U.S.C. 574) is amended by changing the amount
18 in the proviso from \$500 to \$2,500.

19 SEC. 9. Funds available to the Forest Service shall be
20 available for expenses of, or payment of assessment for,
21 construction of sidewalks, curbs, or street paving along the

1 boundary of Government-owned residential or otherwise
2 improved lots.

3 SEC. 10. Section 13 of the Department of Agriculture
4 Organic Act of 1956 (70 Stat. 1034; 16 U.S.C. 579b)
5 is hereby amended by deleting from the second sentence
6 thereof the comma after the word “assets” and the words
7 “but such capitalization shall not exceed \$25,000,000.”

Passed the House of Representatives September 17,
1962.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To facilitate the work of the Forest Service, and
for other purposes.

SEPTEMBER 18, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

SENATE - October 5

14. AGRICULTURAL APPROPRIATION BILL, 1963. Considered further the conference report on this bill, H. R. 12648, and disagreed to the House amendment to Senate amendment No. 2 (relating to research and demonstrations on the production and utilization of agricultural products), and insisted further on the Senate amendments which are in disagreement. p. 21289
15. SUPPLEMENTAL APPROPRIATION BILL, 1963. Sen. Russell made a point of order against the filing of the report of the Appropriations Committee on this bill, H. R. 13290. Sen. Smathers gave notice of his intention to object to the consideration of this bill until it has lain at the desk for three days after having been reported. (pp. 21307-10). Sen. Holland stated that he would file the report on this bill on Mon., Oct. 8. (p. 21383)
and
16. FARM PROGRAM. Sen. Morse commended the western regional Land/People Conference held in Portland, Ore., on Oct. 1 and 2, and inserted an article summarizing the work of the conference. pp. 21380-1
17. COTTON. Sen. Holland inserted an article by Sen. Eastland, "We've Got to Move to Save Cotton," in which he reviews the present situation regarding cotton and states that the price of cotton has to be lowered in order to make it more competitive in the world market. p. 21337
18. AGRICULTURAL CONSERVATION PROGRAM. Sen. Humphrey commended the ACP program and inserted an article explaining the purpose and accomplishment of the program. pp. 21330-1
19. FORESTRY. Passed without amendment H. R. 12434, to facilitate the work of the Forest Service (p. 21303). This bill will now be sent to the President. This bill includes provisions as follows: Authorizes the Secretary to exchange lands under the jurisdiction of the Forest Service for which no exchange authority now exists. Removes the 20-year limitation on the authority of the Secretary to revest in rightful owners by quitclaim deed title to lands under his administration acquired by mistake, etc. Authorizes the Secretary to provide (not to exceed \$35,000 annually) recreation facilities, equipment and services for certain employees of the Forest Service at isolated locations. Repeals the Forest Homestead Act which authorizes and directs the Secretary to classify National Forest lands chiefly valuable for agriculture for homestead entry. Repeals provisions of law which directs the Secretary "to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in National Forests." Reduces the penalty for certain violations of regulations of the Secretary relating to the National Forests and National Grasslands to petty offenses. Increases from \$500 to a maximum of \$2500 the authorization to reimburse owners of private property for damage or destruction to their property caused by non-negligent action of Forest Service employees. Authorizes the use of Forest Service funds to pay expenses of, or assessments for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential lots. Removes the limitation on the amount of capitalization in the Forest Service working capital fund.
Sen. Morse inserted a letter from Secretary Freeman refuting charges in a newspaper editorial that the location of forest fire research laboratories were based on political influence. pp. 21381-2
20. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 5698, to extend the apportionment requirement of the Civil Service Act to temporary summer employment (S. Rept. 2283). p. 21290

21. TRANSPORTATION. Conferees were appointed on H. R. 5700, to authorize the Secretary of the Treasury to designate any contract carrier, authorized to act as such by any agency of the U. S., as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued (p. 21315). House conferees have already been appointed.
22. FOREIGN TRADE. Sen. Proxmire commended the State Department "on their ingenious action in planning to put into effect 2 weeks from now a program which will put real pressure upon our allies and other countries to stop trading with Cuba." pp. 21315-7
23. ELECTRIFICATION. Sen. Neuberger inserted a speech by Federal Power Commissioner Howard Morgan discussing "the technique of the Russians in long-distance power transmission." pp. 21317-9
24. SURPLUS FOOD. Sen. Hart inserted a resolution of the Mich. Certified Seed Potato Growers Assoc., Inc., urging additional use of surplus food to feed hungry people of the world. pp. 21329-30
25. BRIDGES; INSPECTION. Passed as reported H. R. 683, to authorize the Donna-Rio Bravo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande near Donna, Tex. p. 21338
26. CONSERVATION. Sen. Proxmire inserted an article urging greater efforts for the conservation of our natural resources. pp. 21352-3
27. FOREIGN TRADE. Sen. Kerr inserted a statement by Rep. Mills on the responsibilities of the special representative for trade negotiations who is to be appointed by the President under the recently passed foreign trade bill. pp. 21353-4
28. FEDERAL EXPENDITURES. Sen. Robertson expressed concern over Federal expenditures and inserted a tabulation of surpluses and deficits for the fiscal years 1789 to 1963. pp. 21361-2
29. FARM LABOR; WOOL. Passed with amendments H. R. 12213, to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers (pp. 21365-71). Agreed to an amendment by Sen. Bush to provide for the free importation of Karakul wools and other wools of whatever blood or origin not finer than 40s for use in glass polishing (pp. 21368-9). Agreed to an amendment by Sen. Williams, N.J., to authorize appropriations to provide day-care facilities for children of migratory agricultural workers (pp. 21370-1).
30. LEGISLATIVE PROGRAM. Sen. Mansfield stated that conference reports on the State-Justice-Commerce appropriation bill and the public works authorization bill will be considered Mon., Oct. 8. p. 21382
31. ADJOURNED until Mon., Oct. 8. p. 21395

HOUSE - October 6

32. FOREIGN AID APPROPRIATION BILL, 1963. By a vote of 171 to 108, agreed to the conference report on this bill, H. R. 13175, and acted on amendments in disagreement. pp. 21498-506
33. PERSONNEL. Rep. Monagan commended the service of Albion Patterson, recently retired from the position of Director of the AID mission in Argentina, for his efforts in eliminating foot-and-mouth disease in Argentina. pp. 21511

gious freedom. It is as if the economic hardships to which they were exposed were not manmade, the result of Communist misplanning. And it is as if a desire to work and to earn a decent living were in itself improper and shameful, an attitude which calls for the label "economic refugee", that is one who does not deserve our sympathy and can be returned behind the curtain without qualms. When misgivings do arise, they are dismissed, sometimes smugly and sometimes uneasily. The kind of repression rather than the repression itself is considered, and no attention is paid to the possibility of later retribution and the certainty that people who express their dissatisfaction with the regime by trying to escape from it will remain marked as enemies of the state. It is forgotten that the very act of escape makes a man an "enemy of the state."

Everyone knows that in Communist countries, the economy is a phase of politics. In those countries where people are not free to choose their own political creed, they are not free to make their own way in the social and economic field. Freedom of initiative is either nonexistent or is permitted on a minimum scale. Savings are meaningless because sooner or later the state swallows everything. Plans for the future are better left unmade. Everyone knows what civic and family life has been reduced to. Now, with all this, when someone escapes from such distressing conditions can he really be considered an "economic" refugee?

Even those few Yugoslavs who are granted asylum are frequently put in a lower category than refugees from other Communist countries by the U.S. escapee program. Thus Yugoslaves either do not qualify as refugees or they are treated as second-class refugees.

Is physical persecution necessarily physical torture? The loss of freedom, political pressure and its inevitable consequence—economic misery—are also persecution; veiled persecution, daily persecution, persecution which these young people feel deeply, although they are often unable to give expression to their feelings, for lack of education, or difficulty in choosing the right words.

And when they come before the so-called screening commissions in the West, having crossed their Rubicon, although they have, for very valid reasons, chosen to be, as it were, "without family, without country, and without means," the only thing they find to say is "We came away to be free and to find work." Then we say, the West, replies: "They are young, they ran away from their parents; discipline; they are, as you can see, economic refugees."

Should we not give the matter a little more thought? There are many who are discontented with their jobs or unemployed. Do you think that they would, even with a passport, i.e., without any risk to themselves, leave Belgium, for example, leave it forever, abandoning their families, their possessions, for the unknown.

The repression of freedom of religion and other fundamental human rights in Yugoslavia differs hardly even in degree from that practiced in the U.S.S.R. itself. A further contention is that by permitting Yugoslav refugees to stay in Western Europe or by accepting them for immigration in the Western Hemisphere we are alleviating Communist Yugoslavia's economic problems and underemployment. If this were true, Tito could have done better by negotiating labor agreements with other European countries which have manpower shortages. The 10,000 refugees from Yugoslavia annually do not alter the employment picture inside Yugoslavia to any appreciable degree. Even if it were the policy of the West to aggravate the economic difficulties of Yugoslavia, as it clearly has not been, these goals should not be pursued at the expense of the refugees, the victims of Tito's brand of communism.

The subtle campaign of the Yugoslav authorities to popularize the term "economic" refugee has been more than successful. It has carried over into the language of the United Nations High Commissioner for Refugees and that of certain officials of the U.S. Government. It has influenced the policy of countries which formerly granted asylum to these refugees to the point where substantial numbers of them are now being repatriated instead of welcomed. It has created a situation where Italy permits most of those fleeing to remain on its soil, but Austria, using U.S. equivocal policies as an excuse, forcibly returns the majority of the Yugoslav refugees. It has resulted in drastic reductions in U.S. aid to refugees from Yugoslavia. It has resulted in resentment by true democratic people from Yugoslavia who see U.S. aid helping to build a strong Communist state, but refusing to help those anti-Communist elements that escape its oppression. It has caused confusion among the Americans because policymakers fail to understand that the basic philosophy of the Communist state is the same, whether that of the Soviet Union, China, or Yugoslavia.

American policy today leaves refugees bewildered by its policy of being selective about the kind of communism and oppression from which a person must flee in order to benefit from the help of the American people.

At a time when we are granting asylum to thousands of refugees from Castro's communism, which, supported by Soviet communism, is threatening the Western Hemisphere, should the United States not take a forthright stand and give full recognition to the refugees fleeing Yugoslavia, which is today linked again with the Soviet in its conspiracy to have communism dominate the world?

EDWARD L. SWANSTROM,
Titular Bishop of Arba, Executive Director, National Catholic Welfare Conference

WILLIAM VANDEN HEUVEL,
President, International Rescue Committee

FACILITATION OF WORK OF THE FOREST SERVICE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 1760, Senate bill 3235.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3235) to facilitate the work of the Forest Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, to expedite matters, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 12434 and that it be taken up, substituted for the Senate bill, and passed.

The PRESIDING OFFICER. The House bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12434) to facilitate the work of the Forest Service, and for other purposes.

The PRESIDING OFFICER. Without objection, the Committee on Agriculture and Forestry is discharged from the further consideration of the bill.

Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 12434) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3235 will be indefinitely postponed.

VOLUNTARY NONDENOMINATIONAL PRAYERS IN PUBLIC SCHOOLS

Mr. TAIMADGE. Mr. President, the September issue of the American Bar Association Journal features an excellent article which convincingly places the recent Supreme Court edict banning the voluntary saying of nondenominational prayers in the public schools of New York in its true legal and historical perspective.

Written by Hon. Gerald Kirven of the Louisville, Ky., bar, this presentation entitled "Freedom of Religion or Freedom from Religion?" thoroughly documents the conclusion that "freedom of religion does not compel the entire denial to public school children of the influence of religion in their schools." It makes the irrefutable point that the Government "is not neutral in the matter of religion when, at the instance of one already adequately protected from compulsion, it lends its power to the suppression of religion and thereby champions the cause of freedom from religion."

This article should be read by every American who values his heritage of freedom of religion. I ask unanimous consent that the text of the article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, Sept. 1962]

FREEDOM OF RELIGION OR FREEDOM FROM RELIGION?

(The controversial decision of the Supreme Court in banning the New York "Regents' Prayer" has led Mr. Kirven to ask whether an overzealous regard for the rights of a minority may have resulted in a distortion of the 1st amendment. The result of such decisions may be the identification of the power of Government with "anti-religion," he concludes.)

(By Gerald Kirven of the Kentucky Bar (Louisville))

"The defendants (school principals) are perpetually enjoined and restrained from reading and causing to be read, or permitting anyone subject to their control and direction to read to students in the Abington Senior High School * * * any work or book known as the Holy Bible."

This stark prohibition of the reading of the Bible in school is directly quoted from a decree of the U.S. District Court for the Eastern District of Pennsylvania entered on February 1, 1962, in *Schmupp, et al. v. School District of Abington Township, Pennsylvania, et al.*, (201 F. Supp. 815, 820).

The ground of the foregoing decree was that the Pennsylvania statute which required the reading of 10 verses from the Bible at the opening of school was an unconstitutional establishment of religion as forbidden

by the first amendment to the U.S. Constitution made applicable to the Commonwealth of Pennsylvania by the 14th amendment. This was true, the court held, notwithstanding the provision of the law which allows any pupil to be excused from the Bible reading upon written request of his parent or guardian.

Without respect to the merits of the decision in the *Schempp* case, the decision is provocative of inquiry into the question of whether the doctrine of freedom of religion in this country is becoming a concept of freedom from religion.

AMERICA, A RELIGIOUS NATION

The first amendment to the Constitution, speaking of religion, says: "Congress shall make no law * * * prohibiting the free exercise thereof."

This is a religious Nation. The Supreme Court of the United States said so in 1892, speaking through Mr. Justice Brewer in *Church of the Holy Trinity v. United States*, (143 U.S. 457).

The Holy Trinity Church case involved the question of whether an act of Congress which forbade the importation of alien laborers into the United States prohibited Holy Trinity Church from hiring an English priest to be rector of the church. The Court considered the title of the act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress and the reports of the committee of each house in concluding that "the intent of Congress was simply to stay the influx of this cheap unskilled labor."

"But beyond all these matters no purpose of action against religion can be imputed in any legislation, State or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation. * * * (Quotations from the commission to Christopher Columbus, colonial grant to Sir Walter Raleigh, Mayflower Compact, fundamental orders of Connecticut, William Penn's charter, Declaration of Independence, constitutions of various States, language of the first amendment to the Constitution of the United States and art. 1, sec. 7).

"There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire people. (Citing cases where the courts have recognized the existence of the Christian religion in this country).

"If we pass beyond these matters to a view of American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing, concluding with an appeal to the Almighty; the custom of opening sessions of all deliberative bodies and most conventions with prayer; the prefatory words of all wills, 'In the name of God, amen'; the laws respecting the observance of the Sabbath, with the general cessation of all secular business, and the closing of courts, legislatures, and other similar public assemblies on that day; the churches and church organizations which abound in every city, town, and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe. These, and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation.

In the face of all these, shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?"

Much more recently, in 1953, speaking through Mr. Justice Douglas in *Zorach v. Clauson*, (343 U.S. 306, 313), the Supreme Court repeated the same sentiments, saying:

"We are a religious people whose institutions presuppose a Supreme Being."

In a religious nation, religious influence is to be found in many places, including the public schools. Mr. Justice Brewer in the *Holy Trinity* case, supra, mentioned many of these evidences of religion, and Mr. Justice Douglas in the *Zorach* case referred to: " * * * [P]rayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamation making Thanksgiving Day a holiday; 'So help me God' in our courtroom oaths—these and * * * other references to the Almighty * * * run through our laws, our public rituals, our ceremonies * * * the supplication with which the Court opens each session: 'God save the United States and this Honorable Court'."

To the list may be added tax exemption of churches, chaplaincies in the Armed Forces, the "Pray for Peace" postmark, the widespread observance of Christmas holidays, and, in classrooms, singing the fourth stanza of "America" which is a prayer invoking the protection of God, and the words "in God is our trust" as found in the National Anthem, and the reciting of the Pledge of Allegiance to the Flag, modified by an Act of Congress of June 14, 1954, to include the words "under God."

THE FIRST AMENDMENT AND THE REGENTS' PRAYER

That the first amendment does not prohibit public school children from joining together in acts of reverence to God was decided by the Court of Appeals of New York in *Engel, et al. v. Vitale, et al.*, (10 N.Y. 2d 174, 176 N.E. 2d 579 (1961)).

That case involved the constitutionality of a recommendation of the Board of Regents, governing body of the New York public school system that "At the commencement of each school day, the act of allegiance to the flag may well be joined by this act of reverence to God: 'Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.'"

Speaking through Chief Judge Desmond, the court upheld use of the Regents' prayer, saying:

" * * * But it is not 'religious education' nor is it the practice of or establishment of religion in any reasonable meaning of those phrases. Saying this simple prayer may be, according to the broadest possible dictionary definition, an act of 'religion', but when the Founding Fathers prohibited an 'establishment of religion' they were referring to official adoption of, or favor to, one or more sects. They could not have meant to prohibit mere professions of belief in God for, if that were so, they themselves in many ways were violating their rule when and after they adopted it. Not only is this prayer not a violation of the first amendment (no decision of this or of the U.S. Supreme Court says or suggests that it is) but a holding that it is such a violation would be in defiance of all American history, and such a holding would destroy a part of the essential foundation of the American governmental structure.

The 'Regents' prayer' is an acknowledgment of our dependence upon Almighty God and a petition for the bestowal of His blessings. * * * No historical fact is so

easy to prove by literally countless illustrations as the fact that belief and trust in a Supreme Being was from the beginning and has been continuously part of the very essence of the American plan of government and society. * * * (Citing illustrations.)

* * * As Justice Beldock of the Appellate Division wrote in this case: 'The contention that acknowledgements of and references to Almighty God are acceptable and desirable in all other phases of our public life but not in our public schools is, in my judgment, an attempt to stretch far beyond its breaking point the principle of separation of church and state and to obscure one's vision to the universally accepted tradition that ours is a Nation founded and nurtured upon belief in God.' (11 A.D. 2d 340, 206 N.Y.S. 2d 188.)

"The 'universally accepted tradition' referred to by Justice Beldock has been maintained without break from the days of the Founding Fathers, all of whom believed in the existence of God (see Cousins, *In God We Trust*) to the day of the inauguration of President Kennedy. It is indisputable and historically provable fact that belief and trust in a Creator has always been regarded as an integral and inseparable part of the fabric of our fundamental institutions. It is not a matter of majority power or minority protection. Belief in a Supreme Being is as essential and permanent a feature of the American governmental system as is freedom of worship, equality under the law and due process of law. Like them it is an American absolute, an application of the natural law beliefs on which the Republic was founded and which in turn presuppose an Omnipotent Being (176 N.E. 2d at 581-582)."

On December 4, 1961, in 368 U.S. 924, the U.S. Supreme Court granted a writ of certiorari to the Court of Appeals of New York to review its decision in *Engel v. Vitale*. On June 25, 1962, the Supreme Court rendered its decision on the merits reversing the New York Court of Appeals. Mr. Justice Black, speaking for the Court, said:

"We think that by using its public school system to encourage recitation of the regents' prayer, the State of New York has adopted a practice wholly inconsistent with the establishment clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the regents' prayer is a religious activity.

" * * * [W]e think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of American people to recite as a part of a religious program carried on by government."

Mr. Justice Stewart, dissenting, said:

" * * * With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an 'official religion' is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

MINORITY RIGHTS

But the majority has no right to force religion upon those who do not wish it, hence the importance of scrupulous preservation of the right of the minority to exemption from exposure to religious influence which they do not desire. In the *Schempp* case, supra, the Court declined to consider the fact that children might be excused from Bible reading because "there is religious establishment in this case whether pupils are or are not excused from attendance at the morning exercises." (201 F. Supp. at 818.)



Public Law 87-869
87th Congress, H. R. 12434
October 23, 1962

An Act

76 STAT. 1157.

To facilitate the work of the Forest Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

Forest Service.
Administration
of lands.

SEC. 2. The Act of July 8, 1943 (57 Stat. 388), as amended (5 U.S.C. 567), is further amended by striking out the words "within twenty years".

66 Stat. 11.

SEC. 3. Not to exceed \$35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

Recreation
facilities.

SEC. 4. The Act of June 11, 1906 (34 Stat. 233), as amended and supplemented (16 U.S.C. 506-508, 509), is hereby repealed.

Repeal.

SEC. 5. The provision of the Act of August 10, 1912 (37 Stat. 269, 287; 16 U.S.C. 489), which reads, "That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven" is repealed.

SEC. 6. The Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551) is amended by deleting from the second full paragraph on page 35 the portion thereof reading "as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States" and inserting in lieu thereof "by a fine of not more than \$500 or imprisonment for not more than six months, or both".

SEC. 7. Section 32(f) of the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011(f)) is amended to make the last sentence thereof read as follows: "Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both".

SEC. 8. Section 2 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 574) is amended by changing the amount in the proviso from \$500 to \$2,500.

SEC. 9. Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

SEC. 10. Section 13 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1034; 16 U.S.C. 579b) is hereby amended by deleting from the second sentence thereof the comma after the word "assets" and the words "but such capitalization shall not exceed \$25,000,000."

Approved October 23, 1962.

3540 E